

MONDAY, MAY 20, 1991

FORTY-EIGHTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Jess Love, Grandview Baptist Church, Nashville, Tennessee.

Representative John Arriola led the House in the Pledge of Allegiance to the Flag.

The Speaker recognized Kasi Stinson, Ms. Austin Peay State University 1991, to sing "America, The Beautiful".

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Kernell; due to personal reasons.

CONSENT CALENDAR

House Bill No. 0337 -- Public Funds and Financing -- Expands reporting requirements for qualified public depositories. Amends TCA, Title 9, Ch. 4, Pt. 5.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

On motion, House Bill No. 337 was made to conform with **Senate Bill No. 514**.

On motion, **Senate Bill No. 514**, on same subject, was substituted for House Bill No. 337.

House Bill No. 0856 -- Boards and Commissions -- Requires deposit in general fund of moneys collected by certain regulatory boards. Amends TCA, Titles 4, 56, 62.

On motion, House Bill No. 856 was made to conform with **Senate Bill No. 1070**.

On motion, **Senate Bill No. 1070**, on same subject, was substituted for House Bill No. 856.

***Senate Joint Resolution No. 0217** -- Highway Signs -- Veterans Memorial Bridge, S.R. 25, Smith County.

***House Joint Resolution No. 0122** -- General Assembly, Statement of Intent or Position -- Expresses position relative to minority representation on various community health agency boards.

***House Joint Resolution No. 0177** -- Highway Signs -- J. Herman Johnston Bridge, Mecca Pike Railroad Bridge in Etowah.

***House Joint Resolution No. 0067** -- Highway Signs -- Don C Bales Memorial Bridge, Union School Road in Knox County.

House Bill No. 0364 -- Judicial Districts -- Requires chancellor of fourth judicial district to continue serving fifth judicial district. Amends TCA 16-2-506.

On motion, House Bill No. 364 was made to conform with **Senate Bill No. 6**.

On motion, **Senate Bill No. 6**, on same subject, was substituted for House Bill No. 364.

House Bill No. 1269 -- Gas, Petroleum Products, Volatile Oils -- Clarifies standards of gas pipeline safety; increases civil penalty for violation. Amends TCA 65-4-115, 65-28-106, 108.

On motion, House Bill No. 1269 was made to conform with **Senate Bill No. 697**.

On motion, **Senate Bill No. 697**, on same subject, was substituted for House Bill No. 1269.

***House Bill No. 1608** -- Election Laws -- Extends voting privileges to non-resident property owners in Spring City who own at least 8,000 square feet of real property in the city subject to 2/3 approval of board of commissioners. Amends TCA 6-20-106.

House Bill No. 1135 -- Credit Cards -- Prohibits certain

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

unauthorized use of credit card. Amends TCA 39-14-118, 47-22-103.

***Senate Joint Resolution No. 0026** -- Highway Signs -- Memphis Area Vocational-Technical School.

***House Resolution No. 0073** -- Memorials, Government Officials -- Requests TVA to study feasibility of expanding bridge over Fort Loudoun Dam.

House Bill No. 1544 -- Metropolitan Government -- Authorizes Nashville-Davidson County to have metropolitan hospital authority. Amends TCA, Title 7, Ch. 57.

On motion, House Bill No. 1544 was made to conform with **Senate Bill No. 1542**.

On motion, **Senate Bill No. 1542**, on same subject, was substituted for House Bill No. 1544.

House Bill No. 1062 -- Employees, Employers -- Increases penalty for employers who keep customers' tips intended for employees from Class C to Class B misdemeanor. Amends TCA, Title 50.

***Senate Joint Resolution No. 0197** -- Memorials, Congress -- Urges refraining from mandating states' passage of laws requiring use of motorcycle helmets and safety belts.

House Resolution No. 0109 -- Memorials, Interns -- Amy Malcolm.

House Resolution No. 0110 -- Memorials, Interns -- Chris Whaley.

House Resolution No. 0112 -- Memorials, Retirement -- Joe Hardin Sherlin.

House Joint Resolution No. 0355 -- Memorials, Congratulations -- Warren Lavender.

House Joint Resolution No. 0356 -- Memorials, Congratulations -- Sharon Moore.

House Joint Resolution No. 0357 -- Memorials, Congratulations -- Truman Ledford.

House Joint Resolution No. 0358 -- Memorials, Congratulations -- David Dill.

House Joint Resolution No. 0359 -- Memorials, Congratulations -- Twanna Hill.

House Joint Resolution No. 0360 -- Memorials, Congratulations -- Terry Eden.

House Joint Resolution No. 0361 -- Memorials, Congratulations -- Sherri Abbott.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

House Joint Resolution No. 0362 -- Memorials, Congratulations -- Diana Lay.

House Joint Resolution No. 0363 -- Memorials, Congratulations -- Lianne Huling.

House Joint Resolution No. 0364 -- Memorials, Congratulations -- Jay Collins.

House Joint Resolution No. 0365 -- Memorials, Congratulations -- Ernest Morgan.

House Joint Resolution No. 0366 -- Memorials, Congratulations -- Billy Bell.

House Joint Resolution No. 0367 -- Memorials, Congratulations -- David Dyle.

House Joint Resolution No. 0368 -- Memorials, Sports -- Coach Charles Mazzone.

House Joint Resolution No. 0369 -- Memorials, Personal Occasion -- Delsie Roberts Stapleton, 90th Birthday.

House Joint Resolution No. 0370 -- Memorials, Recognition and Thanks -- Evelyn Bryan Johnson.

House Joint Resolution No. 0371 -- Memorials, Sports -- South Greene High School girls' basketball team, TSSAA Class AA state champions.

House Joint Resolution No. 0373 -- Memorials, Death -- C. E. Northern.

House Joint Resolution No. 0374 -- Memorials, Sports -- Scott County High School girls' softball team.

House Joint Resolution No. 0375 -- Memorials, Sports -- Scott County High School girls' basketball team.

House Joint Resolution No. 0376 -- Memorials, Retirement -- Phillip Dean, Principal of Hamilton Elementary School.

Senate Joint Resolution No. 0248 -- Memorials, Personal Achievement -- Jeremy Lattimer, "Working Toward a New Century" contestant.

Senate Joint Resolution No. 0249 -- Memorials, Personal Achievement -- Emily Flowers, "Working Toward a New Century" contestant.

Senate Joint Resolution No. 0250 -- Memorials, Public Service -- Gary King, President of Carter Oil Company.

Senate Joint Resolution No. 0251 -- Memorials, Public Service --

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

James Lewis Allen.

Senate Joint Resolution No. 0252 -- Memorials, Interns -- Paul Douglas Goddard, III.

Senate Joint Resolution No. 0255 -- Naming and Designating -- Native American Indian Month, October 1991.

Senate Joint Resolution No. 0256 -- Memorials, Public Service -- New Bethel Missionary Baptist Church.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1062; by Rep. West.

House Joint Resolution No. 67: by Reps. Davis (Knox) and Purcell.

Under the rules, House Bill No. 1062 and House Joint Resolution No. 67 was/were placed at the foot of the calendar for Thursday, May 23, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	90
Noes.	0
Present and not voting.	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Chumney, Hargrove, Holcomb, Jackson, Rigsby -- 5.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 0752 -- Education -- Enacts "Education Improvement Act of 1991". Amends TCA, Titles 8, 49.**

Rep. Purcell moved that the House go under the rule, which motion prevailed.

Rep. Purcell moved that House Bill No. 752 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 752 by adding in Section 2 the following language at the end of the amendatory section designated 49-1-302(a)(4):

Any changes in the Basic Education Program funding formula shall be confirmed in the budget authorization process.

AND FURTHER AMEND by adding in Section 3 the following language at the end of the amendatory section designated 49-3-305(a):

Basic Education Program funds that are generated for pupil contact programs in guidance, art, music, and physical education and for librarians and classroom instruction are designated for use for licensed personnel in any of these areas. Funds for textbooks, materials and supplies, and equipment generated for the classroom, must be spent in classroom operation.

AND FURTHER AMEND by inserting the words and punctuation "special education," in the amendatory language of Section 2 designated as subsection (4) between the words and punctuation "vocational and technical education," and the words "number and programs".

AND FURTHER AMEND by adding the following sentence to Section 34 immediately preceding the final sentence of the amendatory language of subsection (d):

Special education students, in lieu of completing such twenty (20) units of credit, shall satisfactorily complete their individualized education program.

AND FURTHER AMEND by adding at the end of subsection (a) of amendatory Section 49-3-301 in Section 3 of the printed bill a new sentence, as follows:

Before the Tennessee Basic Education Program, or any subsequent

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

amendment or revision to it, shall become effective, it shall be submitted to the joint oversight committee on education for its review and recommendation and shall be approved by resolutions of the senate and house of representatives, but such approval shall be on the complete plan or revision and shall not be subject to amendment of the plan or revision.

AND FURTHER AMEND by deleting the period at the end of subsection (b) of the amendatory section in Section 4 of the printed bill and adding the following:

for its review and recommendation. Such performance indicators shall also be approved by resolutions of the senate and house of representatives, but such approval shall be on the performance indicators as a whole and then shall not be subject to legislative amendment therein.

AND FURTHER AMEND by adding at the end of the amendatory language in Section 37 the following:

Such curricula shall be submitted to the joint oversight committee on education for its review and recommendation.

AND FURTHER AMEND by adding a new section, as follows, to be appropriately numbered:

Section ____.

(a)There is hereby established within the office of the comptroller an office of education accountability which shall monitor the performance of school boards, superintendents, school districts, schools, and school personnel in accordance with the performance standards set out in this act or by regulations of the state board of education.

(b)The office of education accountability shall be provided with information generated through the management information system provided for in Section 4 of this act, information gathered for the annual report provided for in Section 5 of this act, or any other information which it may require.

(c)The office of education accountability shall conduct such studies, analyses, or audits as it may determine to be necessary to evaluate education performance and progress, or as may be assigned to it by the governor or general assembly.

(d)The office of education accountability shall report its findings annually to the governor and the general assembly.

AND FURTHER AMEND by adding the following section to be appropriately designated:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Section _____. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding a new part thereto, as follows:

Section 49-7-2301. As used in this act, unless the context requires otherwise:

1) "Administering agency" means the Tennessee student assistance corporation.

2) "College or university" means a public college, university or technical institute operated under the authority of the University of Tennessee board of trustees or the state board of regents.

3) "Tuition" means any required registration, maintenance, course, credit, or other fees or charges the payment of which is required for admission to, attendance at, or graduation from a college or university.

Section 49-7-2302.

a) The administering agency shall make awards of non-repayable financial assistance, from funds appropriated for that purpose, on behalf of any student who enrolls in such a school to pursue an academic undergraduate degree, who applies therefor, and who meets all of the following qualifications:

1) Is a resident of Tennessee as defined by the Tennessee higher education commission;

2) Has graduated within the two (2) years preceding the application from a high school with a minimum cumulative grade point average of three (3.0) calculated on a four (4.0) scale and is enrolling as a first-time freshmen;

3) Has successfully completed a core curriculum of high school coursework as defined by the Tennessee board of regents and the University of Tennessee and has met published admission standards of the admitting institution.

4) Has a composite score of at least twenty (20) on the enhanced version of the American College Test.

5) Has no criminal record, except for

misdemeanor traffic violations; and

6) Is found to be in financial need as defined in Section 49-7-2304.

(b) To maintain eligibility once enrolled in college a student shall meet all of the following:

1) Make steady academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period requiring such enrollment;

2) Maintain continuous enrollment for not less than two (2) semesters in each successive academic year, unless granted an exception for cause by the administering agency;

3) Have a cumulative grade point average of at least two and one-half (2.5) calculated on a four (4.0) scale at the end of the first term and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year;

4) Have no criminal record, except for misdemeanor traffic violations; and

5) Be found to be in financial need as defined in Section 49-7-2304.

Section 49-7-2303.

a) The provisions of this act shall be administered by the Tennessee student assistance corporation. The Tennessee higher education commission is directed to adopt such rules and regulations as are necessary to implement the provisions of this act.

b) The Tennessee student assistance corporation shall provide for a mechanism for informing all students of the availability of the assistance provided pursuant to this act early enough in their schooling so that a salutary motivational effect is possible.

It is the legislative intent that this promise be conveyed in as clear as possible a manner to each child. The promise should be explicit that if a child meets the grade and ACT standard and stays out of trouble, his or her college tuition will be paid. It is also the

legislative intent that the income levels that will qualify children for the benefits of this bill should be communicated annually in whole dollar amounts as they relate to the more common circumstances the majority of children face.

Section 49-7-2304. All awards under this act shall be based on the financial need of the student as measured by the parents' ability [or the student's ability if the student is emancipated and not receiving any financial assistance from parent(s) or guardian(s)] to contribute to the student's educational expenses, as determined by guidelines established by the administering agency. At the time of application, the student shall also apply for all other financial aid programs for which the student may be eligible. All other financial awards that the student is to receive shall be considered by the Tennessee student assistance corporation in measuring financial need. However, monies received by the student through federal, state, or private loan programs shall not be included in measuring financial need. All other sources of financial assistance available to the student excluding federal, state or private loan monies, shall first be applied toward meeting the student's financial need as determined by the administering agency. The maximum award shall not be greater than the total amount of tuition and mandatory fees charged by the institution attended. Financial need of less than one hundred dollars (\$100) shall render an applicant ineligible for an award.

b) Students shall have payments of their awards made directly to the institution.

c) Awards of student assistance shall be available for residents of the state generally, without regard to county or other area of residence, race, color, creed, sex or national origin or ancestry.

Section 49-7-2305. If the recipient of an award fails to comply with the rules of the Tennessee higher education commission with respect to the use of such assistance, or fails to attain the minimum level of achievement prescribed for the retention of the assistance, or fails to observe the rules, regulations or conditions prescribed or imposed by the institution, or for any reason is expelled or suspended from the institution attended or is absent without leave, the Tennessee student assistance corporation may, upon evidence, revoke the award, and the person holding the award shall not thereafter be entitled to further payment or benefits.

Section 49-7-2306. Applicants who are so

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

eligible are encouraged to apply and participate in programs under the federal Job Training Partnership Act.

Section 49-7-2307. The administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for this purpose.

Section 49-7-2308. Implementation of the tuition payment program provided by this act shall be subject to the appropriation of funds for this purpose.

AND FURTHER AMEND by deleting subsection (b) of the amendatory section added by Section 4 of the printed bill and substituting instead the following:

(b)

(1) The commissioner of education shall recommend standards of fiscal accountability and soundness for local school systems to the state board of education and the state board shall promulgate rules based on these standards to be used in evaluating the fiscal operations of local school systems.

(2)

(A) There shall also be performance goals for each school district which shall be determined based on the current status of each local school system as determined through the value added assessment provided for in subsection (g) of this section.

(B) The goal is for all school districts to have mean gain for each measurable academic subject within each grade greater than or equal to the gain of the national norms.

(C) If school districts do not have mean rates of gain equal to or greater than the national norms based upon the TCAP tests (or other tests which measure academic performance which are deemed appropriate), each school district is expected to make statistically significant progress toward that goal. The rate of progress within each grade and academic course, necessary to maintain compliance with this section will be established after two (2) years of consecutive testing with tests adopted for each grade and subject, as provided in subsection (g) of this section. Schools or

school districts which do not achieve the required rate of progress may be placed on probation, as provided in subsection (c) of this section. If national norms are not available, then the levels of expected gain will be set upon the recommendation of the commissioner of education with the approval of the state board of education.

(D) All schools within all school districts are expected to maintain appropriate levels of school attendance and drop-out rates. The 1990-1991 school year is the base year for measuring levels of attendance and drop-out rates. Schools which do not maintain appropriate levels, as set by the state board of education on the recommendation of the commissioner of education, may be placed on probation, as provided in subsection (g) of this section.

(E) There is a rebuttable presumption that if a school or school district has not achieved the goals pursuant to subdivisions (b)(2)(C) or maintained attendance and drop-out rates pursuant to subdivision (b)(2)(D), it is out of compliance with the requirements of this section and subject to probation as provided for in subsection (c).

AND FURTHER AMEND by adding an additional subsection, as follows, to the amendatory language in Section 4 of the printed bill:

(g)

(1) Value added assessment implies:

(A) A statistical system for educational outcome assessment which uses measures of student learning to enable the estimation of teacher, school, and school district statistical distributions.

(B) The statistical system will use available and appropriate data as input to account for differences in prior student attainment, such that the impact which teacher, school and school district have on the educational progress of students may be estimated on a student attainment constant basis. The impact which a teacher, school, or school district has on the progress, or lack of progress, in educational advancement or learning of a student is referred to hereafter as the "effect" of the teacher, school, or school district on the educational progress of students.

(2) The statistical system shall have the capability of providing mixed model methodologies which provide for best linear unbiased prediction for the teacher, school and school district effects on the educational progress of students. It must have the capability of adequately providing these estimates for the traditional classroom (one teacher teaching multiple subjects to the same group of students) as well as team taught groups of students or other teaching situations, as appropriate.

(3) The metrics chosen to measure student learning must be linear scales covering the total range of topics covered in the approved curriculum to minimize ceiling and floor effects. These metrics should have strong relationship to the core curriculum for the applicable grade level and subject.

(4)

(A) Beginning on April 1, 1992, or on the effective date of this act, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school district effects on the educational progress of students for grades three (3) through eight (8).

(B) Beginning on July 1, 1993, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school effects on the educational progress of students for grades three (3) through eight (8).

(C) Beginning on July 1, 1994, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of teacher effects on the educational progress of students within school districts for grades three (3) through eight (8). A specific teacher's effect on the educational progress of students not be used as a part of formal personnel evaluation until data from three (3) complete academic years are obtained. Teacher effect data shall not be retained for use in evaluations for more than the most recent five (5) years. A student must have been present for one hundred fifty (150) days of classroom instruction per year or seventy-five (75) days of classroom instruction per semester before that student's record is attributable to a specific teacher. Records from any student who is eligible for

special education services under federal law will not be used as part of the value added assessment.

(5) Beginning in 1992, the development of subject matter tests will be initiated to measure performance of high school students in all academic subjects for which appropriate metrics can be obtained from group administered tests. These tests must reflect the complete range of topics covered within the list of state-approved textbooks for that subject. As soon as valid tests have been developed, the testing of students will be initiated to provide for value added assessment. Value added assessment shall be initiated in all academic subjects within secondary schools by 1998-1999 school year, and continued annually thereafter. Value added assessment may be initiated in non-academic subjects at such times as valid tests can be developed which effectively measure performance in such subjects.

(6) All tests used shall be fresh, non-redundant equivalent tests, replaced each year.

(7) As used in this act, "mixed model methodologies which provided for best linear unbiased prediction" or similar language setting forth the methodology used for evaluating measured progress of students, teachers, schools, or school districts, shall have the meaning and be interpreted as set forth in the following references:

1) "A Unified Approach to Mixed Linear Models", McLean, Sanders, and Stroup; The American Statistician, February 1991; Vol. 45, No. 1.

2) "Extension of the Gauss-Markov Theorem to Include the Estimation of Random Effects", Harville; The Annals of Statistics, 1976; Vol. 4, No. 2, 384-395.

3) "Analysis of Variance in the Mixed Model: Higher Level, Nonhomogeneous, and Random Regressions", Henderson; Biometrics, September 1982; No. 38, 623-640.

4) "Maximum Likelihood Approaches to Variance Component Estimation and to Related Problems", Harville; Journal of the American Statistical Association, July 1977; Vol. 72, No. 358.

5) "Approximations for Standard Errors of Estimators of Fixed and Random Effects in Mixed Linear Models", Kackar and Harville; Journal of

the American Statistical Association, December 1984; Vol. 79, No. 388.

6) "The Analysis of Unbalanced Linear Models with Variance Components", Engel; Statistica Neerlandica, 1990; Vol. 44, No. 4.

(8) Any person found to have not followed security guidelines for administration of the TCAP test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process shall be placed on immediate suspension and such actions will be grounds for dismissal, including dismissal of tenured employees. Such actions shall be grounds for revocation of state license.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____.

(a) Local education agencies shall establish, pursuant to state board of education administrative regulations, a process by which to waive all school fees for students who qualify for free and reduced price meals, including a process by which such students and their parents or guardians shall be informed of the fee waiver provisions.

(b) "School fees" must include, but are not limited to the following:

(1) All charges and deposits collected by a school for use of school property.

(2) Charges for field trips made during school hours, or made after school hours if the field trip is a required customary part of a class or extracurricular activity.

(3) Charges or deposits for uniforms or equipment related to sports and fine arts programs.

(4) Special supplies, other than paper, pencil, notebooks, etc., required for a particular class.

(5) Graduation fees and supplies required for participation.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

- (6) General registration or enrollment fees.
- (7) Special education fees.
- (8) School records fees.
- (9) School health service fees.
- (10) General activity fees.
- (11) Driver's education fees.

(c) The notification process requires that parents or guardians in each district be notified in writing that fees will be waived for students qualifying for the free or reduced price meals program at the start of each school year before fees are collected, and thereafter to the parents or guardians enrolling in each district throughout the year. In the waiver of fees for qualifying students, an application for free or reduced price meals will be considered an application for waiver of all other fees.

(d) Local education agencies shall keep records for documentation and compliance purposes, which shall be made available to the state department of education upon request. These records shall include copies of any forms, notices or instructions used by schools in the collection or waiver of fees.

(e) In the waiver of fees for students who qualify for free or reduced price meals, no child shall be discriminated against because of race, sex, color, national origin, age or handicap and there shall be no overt identification of any such children.

(f) This section shall take effect when the basic education program is fully funded.

AND FURTHER AMEND by adding the following new sections preceding the effective date section to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Section 49-6-3001(a) and (b) are amended by deleting the language "six (6)" wherever it appears and by substituting instead the language "five (5)".

SECTION _____. Tennessee Code Annotated, Section 49-6-3001(c)(1), is amended by deleting the language "seven (7) and sixteen (16)" and by substituting instead the language "five (5) and seventeen (17)".

SECTION _____. Tennessee Code Annotated, Section 49-6-3001(c), is amended by inserting the following as new

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

subdivision (2) and by renumbering the existing subdivisions accordingly:

(2) The provisions of subdivision (c)(1) shall not apply to any child who:

(A) Has received a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state; or

(B) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state-approved institution or organization, or has obtained such certificate. Any institution or organization which enrolls a child who is under the age of eighteen (18) shall provide a report to the local board of education at least three (3) times each year relative to the progress of all such persons under the age of eighteen (18). If the local board of education determines any child under eighteen (18) is not making satisfactory process, then such child shall be subject to the provisions of subdivision (c)(1).

SECTION _____. Tennessee Code Annotated, Section 49-6-3005(a), is amended by deleting the language "seven (7) and sixteen (16)" and by substituting instead the language "five (5) and seventeen (17)".

SECTION _____. Tennessee Code Annotated, Section 49-6-3005(a)(4), is amended by deleting the language "fifteenth" and by substituting instead the word "seventeenth".

AND FURTHER AMEND by adding the following at the end of the amendatory Section 49-3-301(a) in Section 3 of the printed bill:

Calculations in the basic education program, or otherwise, based on per student allocations shall use average daily membership (ADM) or full-time equivalent average daily membership (FTEADM), as appropriate, to the exclusion of average daily attendance (ADA) or full-time equivalent average daily attendance (FTEADA).

AND FURTHER AMEND by adding at the end of the amendatory Section 49-1-104 in Section 39 of the printed bill, a new paragraph as follows:

No local school system shall establish split-grade classes for any purpose without the approval of the local education agency.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND by adding the following sentence at the end of amendatory Section 49-2-201 of Section 41 of the printed bill:

All elections for school board members shall be conducted on a non-partisan basis, and no person seeking a position on a board shall campaign as the nominee or representative of any political party.

AND FURTHER AMEND by adding a new section, as follows, at the end of the amendatory language in Section 3 of the printed bill:

Section 49-3-3. The basic education program shall include adequate funding for one (1) teacher for every fifteen (15) at-risk students in grades kindergarten (K) through three (3) in all schools in which between sixty percent (60%) and seventy-four percent (74%) of the students qualify for free and reduced price meals. This requirement shall be phased in within two (2) years of the effective date of this act.

AND FURTHER AMEND by adding the following language at the end of the amendatory language in Section 37 of the printed bill:

Any equipment or technology needed to prepare or equip classrooms for the twenty-first century curriculum shall be purchased and installed within ten (10) years of the effective date of this act.

AND FURTHER AMEND by deleting from the third sentence of the amendatory language of subdivision (4) of Section 2 the words and punctuation "school food services," and by substituting instead the following:

"school food services, public school nurses,".

AND FURTHER AMEND By inserting the following language as a new, appropriately numbered section immediately preceding the severability section and by redesignating subsequent sections accordingly:

SECTION ____.

(a) With funding provided through the formula devised for the Tennessee Basic Education Program, each local education agency shall employ at least one permanent, full-time, public school nurse per three thousand (3,000) students, but in no case, less than one permanent, full-time school nurse if the agency possesses fewer than three thousand (3,000) students. Alternatively, a local education agency may use such funding to contract with the Tennessee Public School Nurse Program, created by Tennessee Code Annotated, Section 68-1-1201(a), for provision of school nurse services.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(b) Each public school nurse employed by or provided to a local education agency, pursuant to subsection (a) of this section, shall meet or exceed the minimum qualifications and standards established pursuant to Tennessee Code Annotated, Section 68-1-1204(a), and shall perform the duties and responsibilities enumerated within Tennessee Code Annotated, Section 68-1-1202.

AND FURTHER AMEND by inserting the following between the first and second sentences of the amendatory Section 49-3-302(e) in Section 3:

In formulating the state salary schedule for licensed personnel, the state board of education shall include provisions whereby credit for experience will be given for time served by a teacher as a secretary or teacher's aide in the same system in which he or she is teaching not to exceed three (3) years of such experience, subject only to approval of the local board of education.

AND FURTHER AMEND by deleting from the proposed new language for Section 49-1-302(a) in Section 2 the word "grades" in the first sentence and substituting instead the words "pre-kindergarten and grades".

AND FURTHER AMEND by adding to the proposed new language for Section 49-3-302(a) in Section 2 the words and punctuation "special education," between the words and punctuation "school food services," and the words "vocational and" in the third sentence.

AND FURTHER AMEND by adding to the amendatory language of Section 2 the words "such formulas" between the words and punctuation "per appropriation period, and" and the words "shall not be".

AND FURTHER AMEND Section 3 by deleting from the proposed new language for Section 49-3-302 the subsection designated "(b)" in its entirety and by redesignating the subsequent subsections accordingly.

AND FURTHER AMEND by adding to the proposed new language for Section 49-3-301 in Section 3 a new and appropriately designated subsection to read as follows:

() All funds generated for the Basic Education Program shall be spent on Basic Education Program components; provided, however, that those funds that cannot be spent prior to the beginning of the 1994-95 school year shall be available for distribution to local school systems for the purpose of classroom construction to meet the maximum class size requirements of this title.

AND FURTHER AMEND by adding to the proposed new language

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

for Section 49-3-302 in Section 3 a new subsection to be appropriately designated and to read as follows:

() When any LEA allowed any licensed employees at the beginning of or during the preceding school term, an amount in addition to the salary which was required for such employees under the state salary schedule in effect at the beginning of or during the preceding school term and which additional amount is paid entirely out of local funds, then the LEA shall continue to pay such additional amount out of local funds.

AND FURTHER AMEND by deleting from the proposed new language for Section 49-3-307 in Section 3 the words "two-thirds" and substituting instead the words and numbers seventy (70) percent", and by deleting from the same proposed new language the words "one-third" and substituting instead the words and numbers "thirty (30) percent".

AND FURTHER AMEND by deleting from the proposed new language for Section 49-3-309(a) in Section 3 the words and numbers "through four (K-4)" and substituting instead the words and numbers "through twelve (K-12)".

AND FURTHER AMEND by deleting from the proposed new language for Section 49-3-309 in Section 3 the subsection designated "(b)" and substituting instead a new subsection to read as follows:

(b) Each local education agency shall be entitled to receive funding of no less than two dollars (\$2.00) per ADM in grades K-12 to be used for the purpose of providing a duty-free lunch period for each teacher.

AND FURTHER AMEND by adding to the amendatory language of Section 5 in the new subsection (a)(3) the words and punctuation "local wealth factors related to tax paying ability," between the words and punctuation "to education," and the words "and attendance".

AND FURTHER AMEND by adding to the amendatory language in Section 5 a new subdivision (6) in subsection (a) to read as follows:

(6) A comparison of the Basic Education Program's components with the program components existing in each local school system during the reporting year.

AND FURTHER AMEND by deleting from the amendatory language of Section 18 the words "and transfer" and "and transfers", and by adding at the end after the words "area of licensure" and prior to the punctuation ";" the words "and consistent with the policies, rules or contracts of the board of education".

AND FURTHER AMEND by deleting from the first sentence of

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

the amendatory language in Section 20 the words "supplemental" and substituting instead the word "additional", and by adding after the word "duties" in the first sentence the words "consistent with board policies".

AND FURTHER AMEND by adding to the amendatory language in Section 33 the punctuation and words ", including classroom teachers" immediately after the words "school personnel" in subdivision (a), and by deleting from subdivision (a) the word "discipline" and substituting instead the words "classroom management", and by deleting subdivision (b) of the proposed new section in its entirety and substituting instead the following:

(b) Any board of education establishing a program of school based decision making shall define the procedures for implementation in its policies. Policies should recognize that school based decision making is a collaborative approach to planning and problem solving. Board policies may include guidelines for the participation of school personnel and others, including teachers, students, parents of students, and other persons in the local community.

AND FURTHER AMEND by adding to the amendatory language of Section 39 a new sentence immediately prior to the last sentence beginning with the words "Class size limits may" to read as follows:

The average pupil teacher ratios in this section shall establish the minimum number of regular classroom teaching positions in a school exclusive of principal, assistant principal, counselor, elementary art, elementary music, elementary physical education, librarian, special education, or other specialized positions.

AND FURTHER AMEND by adding a new section to read as follows:

Section _____. Tennessee Code Annotated, Section 49-1-302(d), is amended by deleting the first sentence in its entirety and substituting instead the following:

The board shall develop, and provide to local education agencies, guidelines and criteria for the evaluation of all certificated persons employed by such agency; provided, however, that such mandatory criteria shall include, but not be limited to:

(1) Classroom or position observation followed by written assessment;

(2) Review of prior evaluations;

(3) Personal conferences to include discussion of strengths, weaknesses and

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

remediation; and

(4) Other appropriate criteria directly related to the responsibilities of the employee.

AND FURTHER AMEND by adding a new section to read as follows:

Section _____. Tennessee Code Annotated, Section 49-1-302(d), is amended by redesignating the existing language as subdivision (1) and adding a new, appropriately numbered subdivision to read as follows:

() If a local education agency determines that it is necessary to assign an individual to teach in an area for which the individual is not endorsed, any evaluation conducted for the course outside the area of endorsement shall relate only to the improvement of teaching skills and strategies and not a determination of competency. The board shall include as a part of its evaluation guidelines a specific reference to this use of its evaluation procedures.

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section ____.

(a) No member of a school board, or any immediate family members, may provide any goods or services to the schools operated by that board by contract, agreement, or other than through a competitive bid process, except that family members may be eligible to be hired as school personnel if they meet the same requirements which apply to other applicants and their related board members recuses himself from any action involving the employment.

(b) As used herein, "immediately family members" mean spouses, children, step-children, grandchildren, parents, step-parents, grandparents, brothers, sisters, half-brothers, or half-sisters.

AND FURTHER AMEND by deleting subsection 49-3-303 in Section 3 in its entirety and substituting instead the following:

49-3-303 (a) There is hereby established within the general fund of each local education agency a special revenue account to be known as the "Dedicated Education Fund".

All appropriations from all sources to fund public education will be deposited in this account. Money in the Dedicated Education Fund shall be invested as provided by law.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(b) Any fund balance remaining unexpended at the end of a fiscal year in the general fund of the local public education system shall be carried forward into the subsequent fiscal year. Such fund balance shall be available to offset shortfalls of budgeted revenues or, subject to the provisions of 49-2-301(23), shall be available to meet unforeseen increases in operating expenses. The accumulated fund balance in excess of three percent (3%) of the budgeted annual operating expenses for the current fiscal year may be budgeted and expended for non-recurring purposes but shall not be used to satisfy appropriation requirements for recurring annual operating expenses.

AND FURTHER AMEND by inserting in Section 8 the words "no more than" between the words "of" and "four".

AND FURTHER AMEND by deleting Section 13 in its entirety and substituting instead the following:

Section 13. Tennessee Code Annotated, Section 49-2-301, subsection (f), is amended by adding thereto the following new subdivisions:

(1) Employ, transfer, suspend, non-renew and dismiss all personnel within the approved budget, except as provided in Section 49-2-203(a)(1) and in part 5 of chapter 5 of this title.

(2) All persons who are employed in a position for which no teaching license is required shall be hired on a year-to-year contract. The superintendent shall provide a person who is employed in such a position fifteen (15) days' notice of nonrenewal of the contract before the end of the contract period.

(3) The superintendent may dismiss any employee under his jurisdiction for incompetence, inefficiency, insubordination, improper conduct or neglect of duty, provided that no one shall be dismissed without first having been given in writing, due notice of the charge or charges and an opportunity for defense.

(4) All actions of the superintendents or their designees shall be consistent with the existing board policies, rules, contracts and regulations.

AND FURTHER AMEND by deleting Section 15 in its entirety and substituting instead the following:

Section 15. Tennessee Code Annotated, Section 49-5-510, is amended by deleting the words, "with the approval of the board," and the last sentence.

AND FURTHER AMEND by deleting in Section 18 the words

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

"final" and "and transfer".

AND FURTHER AMEND by deleting Section 20 in its entirety.

AND FURTHER AMEND by deleting Section 22 in its entirety.

AND FURTHER AMEND by adding the following as a new section after Section 48 and by redesignating subsequent sections accordingly.

Section _____. Tennessee Code Annotated, Section 49-2-301, subdivision (f)(10), is deleted in its entirety and the following is substituted instead:

(10) Recommended to the board of education teachers who are eligible for tenure.

AND FURTHER AMEND by adding the following new section to be appropriately numbered:

Section _____. Tennessee Code Annotated, Section 49-2-203, is amended by deleting subsection (a)(3) in its entirety and redesignating all subsections accordingly.

AND FURTHER AMEND by adding the following new section to be appropriately numbered:

Section _____. Tennessee Code Annotated, Section 49-2-304, is amended by adding the words "or superintendent, as appropriate," immediately after the words "boards of education" or "board of education".

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 49-6-2101, is amended by deleting the first line in subsection (e) and substituting instead the following:

"Superintendents, in employing school transportation personnel, and board of education, in contracting".

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 49-6-3006, is amended by adding the words "or superintendent, where appropriate", immediately after the words "board of education" in the first line of subsection (b).

AND FURTHER AMEND by adding the following new language at the end of the amendatory language in Section 43:

No student may graduate based solely on attendance in

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

alternative schools.

AND FURTHER AMEND by adding a new sentence at the end of the amendatory language in Section 41, as follows:

The provisions of this section shall not apply to the board of education for any school system operated by a municipality located in the following counties with populations according to the 1980 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
26,400	26,500
28,750	28,800
43,700	43,800
67,500	67,600

or to the board of education for any school system operated by any county with a population of seven hundred thousand (700,000) or more, according to the 1980 federal census or any subsequent federal census.

AND FURTHER AMEND by adding the following new language immediately preceding the last sentence in the amendatory language designated as 49-6-6001(d) of Section 34:

However, one (1) of the two (2) units of social studies may be replaced by one (1) unit of a vocational education subject which has an academic base and which has been approved by the state board of education for such substitution.

AND FURTHER AMEND by adding the following as a new subsection (e) in the amendatory language of Section 34:

(e) Any requirement for receiving a full diploma upon graduation from high school imposed pursuant to this section shall not alter the program for graduation for special education students established pursuant to Tennessee Code Annotated, Title 49, Chapter 10.

AND FURTHER AMEND by deleting the word "student" and by substituting instead the word "teacher" in subsection (b)(9) of the amendatory language of Section 5.

AND FURTHER AMEND in the amendatory language of Section 3 in Section 49-3-302(c) by adding the following new language at the end of the subsection:

A local board of education may not increase salaries of existing personnel by using state funds appropriated for public education that have been allocated for new or additional positions.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in the amendatory language of Section 3 in Section 49-3-304(b)(1) by deleting the language "and for the location and construction of schools."

AND FURTHER AMEND by deleting Section 2 of the bill in its entirety and substituting instead the following:

Section 2. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (4) and substituting instead the following:

(4) Develop and adopt policies, formulas, and guidelines for the fair and equitable distribution and use of public funds among public schools and for the funding of all requirements of state laws, rules, regulations and other required expenses, and to regulate expenditures of state appropriations for public education, grades kindergarten (K) through twelve (12). Such policies, formulas and guidelines may be changed as necessary, but not more often than once per appropriation period, and shall not be considered rules subject to promulgation under the Administrative Procedures Act, Title 4, Chapter 5. Such policies, formulas and guidelines as are adopted by the board shall consider and include provisions for current operation and maintenance, textbooks, school food services, vocational and technical education, number of programs of pupils served, measurable pupil improvement, reduction of pupil dropouts, teacher training, experience and certification, pupil-teacher ratio, substitute teacher reimbursement, requirements prescribed by state laws, rules, regulations or other necessary costs, and inflation; and may include other elements deemed by the board to be necessary. The board shall establish a review committee for the Tennessee Basic Education Program. The committee shall include the commissioners of education and finance and administration, or their designees. Others may be appointed by the board as determined by the board. Any changes in the Basic Education Program components of the formula as approved by the board for the 1991-92 fiscal year must first be approved by the commissioners of education and finance and administration.

AND FURTHER AMEND by adding the following language at the end of subsection 49-3-301(a) of Section 3 of the bill as introduced:

"The Tennessee Basic Education Program shall include requirements prescribed by state law, regulations, rules, and other required costs."

AND FURTHER AMEND by inserting in subsection 49-3-301(b) of Section 3 of the bill the words "grades kindergarten (K) through

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

twelve (12)" after the words "public education" and before the words "shall be".

AND FURTHER AMEND by deleting the word "masters" in line 8 of subsection 49-3-302(a) in Section 3 of the bill and substituting instead the word "bachelors".

AND FURTHER AMEND by deleting the period "." at the end of subsection 49-3-302(c) of Section 3 of the bill and substituting instead:

"for its line item salary accounts."

AND FURTHER AMEND by deleting subsection (e) in Section 4 of the bill as introduced in its entirety and substituting instead the following:

(e) During the first year of probation, the state department of education will conduct a comprehensive study of the system. The study will include recommendations on how the school system can improve and meet the performance standards. If a system or school does not meet the standards in the first year, the system or school will remain on probation. If during the first or second year that a system or school is on probation the system meets or exceeds the performance standards, the commissioner will cancel the probationary status. If after two (2) consecutive years a system remains on probation, the commissioner is authorized to recommend to the state board of education that both the local board of education and the superintendent be removed from office. If the state board concurs with the recommendation, the commissioner shall order the removal of some or all of the board members and/or superintendent and shall declare a vacancy in the office or offices. Vacancies on the board shall be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify and the candidate so elected qualifies to hold the office as provided by law or for the remainder of the term if no such election occurs during the remainder of the term. Any person elected to fill a vacancy shall serve the remainder of the term. Vacancies in the office of school superintendent shall be filled in accordance with the provisions of law. Any superintendent or board member removed under this section shall be ineligible for election or appointment to such office for the remainder of their term and for one (1) full term thereafter.

AND FURTHER AMEND by deleting Section 41 of the original bill in its entirety and substituting the following:

Section 41. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the section substituting the following instead:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

49-2-201 Notwithstanding any other law to the contrary, there shall be a board of education elected by the people. The said board shall consist of no more members than are authorized by law for the boards in existence on January 1, 1991. The members of the board of education shall be elected for a term of four (4) years, and may succeed themselves. For the first election held pursuant to this section, in order to establish staggered terms of office, the members from even numbered districts shall be elected for a term of two (2) years, and the members of odd numbered districts shall be elected for four (4) years. Members shall be residents of and elected from districts of equal population by the qualified voters of that district. Vacancies occurring on the board shall be filled by the local legislative body. Any person so appointed shall serve until a successor is elected and qualifies according to law. The successor shall be elected at the next general election for which candidates have a sufficient time to qualify under the law.

AND FURTHER AMEND by deleting the word "and" at the end of subsection (b)(11) of Section 5 of the bill.

AND FURTHER AMEND by deleting the period "." at the end of subsection (b)(12) of Section 5 and inserting instead the following: "; and".

AND FURTHER AMEND by adding the following language as a new subsection (b)(13) in Section 5 of the bill:

(13) members of local legislative bodies.

AND FURTHER AMEND by deleting Section 38 of the bill in its entirety and substituting instead the following:

Section 38. Tennessee Code Annotated, Title 49, Chapter 3, Part 12, is amended by adding the following new section:

49-3-1210 Any local board of education shall, by motion duly adopted, be authorized to participate in bond funds issued by the authority with approval of the local governing body; provided, however, that such participation shall be pursuant to policies adopted by the authority and subject to all restrictions imposed by the authority.

AND FURTHER AMEND by adding the following to the end of subsection 49-3-305(b) of Section 3:

If such action is necessary, the commissioner of education may waive any requirements prescribed by law, rule, regulation or otherwise until the state provides the

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

required funding.

AND FURTHER AMEND by deleting in their entirety Sections 46, 47, and 48 of the printed bill.

AND FURTHER AMEND by adding the following new subsection to amendatory Section 49-3-305 in Section 3 of the printed bill:

(d) Appropriations to local education agencies for the 1990-1991 school year shall be a base, and no local education agency shall receive in subsequent years from the basic education program a lesser amount of funds, adjusted for inflation and changes in student enrollment, than it received in the 1990-1991 school year under the Tennessee foundation program.

AND FURTHER AMEND by adding the following at the end of amendatory Section 49-3-301(a) in Section 3 of the printed bill:

The formula shall also include increased funding for repair and maintenance of existing buildings and provision of capital improvement funds for new building construction. This requirement shall be implemented in the second year of the implementation of the basic education program.

AND FURTHER AMEND by adding the following new section to the amendatory language in Section 3 of the printed bill:

Section 49-3-3___. The department shall calculate, with the assistance of local education agencies, the impact on classroom space in each local education agency that the class size reductions mandated by this act will have, and the state shall provide assistance to the local education agencies which have to construct additional space. Implementation of this Section shall not be required until the second year of the implementation of the basic education program.

AND FURTHER AMEND by inserting the following between the first and second sentences of the amendatory Section 49-3-302(e) in Section 3:

In formulating the state salary schedule for licensed personnel, the state board of education shall include provisions whereby credit for experience will be given for time served by a teacher as a substitute teacher who has substituted at least ninety (90) days per year in the same system in which he or she is teaching not to exceed three (3) years of such experience, subject only to approval of the local board of education.

AND FURTHER AMEND by adding a new amendatory section at the end of Section 3, as follows:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Section 49-3-3 __. Any funds allocated under the basic education program for compensation of a superintendent in a county shall be divided among all local education agencies in that county on the basis of average daily membership.

AND FURTHER AMEND by adding to the amendatory language designated as 49-3-307 in Section 3, the following:

Every local government shall appropriate for FY 1991-92, and each succeeding fiscal year for education (K-12) purposes, at least 90% of the 1990-91 appropriation or 90% of the highest appropriation in years subsequent to 1990-91, whichever is greater. Appropriations for education (K-12) purposes shall mean formula and non-formula appropriations, reduced by capital outlay, debt service and decline in enrollment.

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section __. During the 1991-92 fiscal year, the commissioner of finance and administration, the state department of education and the state board of education shall conduct a study to determine the extent to which the cost of living in each county in the state of Tennessee varies from the statewide average. This study may incorporate any available statistics developed by the government of the United States of America or any local or private studies deemed useful or relevant. The study shall assign to each county in the state of Tennessee a numerical ratio which the cost of living in that county bears to the statewide average cost of living. The results of this study shall be presented to the Select Oversight Committee on Education prior to the end of the 1991-92 fiscal year. It is the intent of the General Assembly that the Basic Education Program (BEP) formula be adjusted pursuant to the findings of this study.

AND FURTHER AMEND by deleting from Section 7 the amendatory language and substituting instead the following:

(1) Fix salaries for all licensed personnel and other employees according to the provisions of this title; and to elect and re-elect licensed employees who have attained or are eligible for tenure, and make written contracts with all employees;

AND FURTHER AMEND Section 8 by adding to the amendatory language the following:

All actions of the director of schools shall be consistent with Section 49-2-301(f), and existing board policies, rules, contracts, and regulations or laws at the state and federal levels.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND Section 13 by adding to the first sentence of the amendatory language the words "and existing board policies, rules, or contracts" between the words "approved budget" and the punctuation and words ", to employ".

AND FURTHER AMEND Section 16 by deleting the amendatory language and substituting instead the following:

(12) Make the initial assignment of all newly employed teachers and educational assistants to the several schools, with subsequent assignments subject to board policies.

AND FURTHER AMEND Section 17 by deleting the amendatory language in its entirety and substituting instead the following:

(a)(1) Each local superintendent shall employ principals pursuant to multi-year performance-based contracts. Such contracts shall be in writing, shall be consistent with existing board policies, rules, or contracts, and may be renewed. Board designed performance-based contracts shall include, but not be limited to, specific expectations for the position, appropriate goals as developed or from time to time modified by the board of education, and periodic written evaluations by the superintendent to be conducted with reasonable frequency and in a manner reasonably consistent with the procedures and competencies established by the state board of education pursuant to Chapter 5, part 53 of this title. Inadequate performance, as determined from the superintendent's written evaluations, may constitute the basis for the nonrenewal of a multi-year contract as principal. A principal who has tenure shall retain all rights of such status, expressly including those rights specified in Section 49-5-510, and such other rights as may be provided by private acts, board policies, rules or contracts.

AND FURTHER AMEND Section 22 by deleting the first sentence of the first new undesignated subdivision in its entirety and substituting instead the following:

Employ, within the approved budget and on year-to-year contracts, all personnel, provided that all such employment actions shall be consistent with state and federal laws and regulations, the board's policies, rules and contracts, and that tenured employees or individual employees eligible for tenure shall be elected or re-elected by the board. The board shall not have the right to limit through contract or otherwise the superintendent's authority to determine which applicant for first time employment shall be employed.

AND FURTHER AMEND Section 22 by deleting from the amendatory language the proposed new subdivision that reads "() Assign to individual schools and transfer between schools those employees under his jurisdiction pursuant to this section".

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND by designating the amendatory language of Section 8 of the printed bill as subdivision () (1) and by adding the following new subdivisions:

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, in those local education agencies where the director of schools or school superintendent is not currently appointed by the local board of education, the legislative body of any such county or municipality may, by a two-thirds (2/3) vote, taken within six (6) months of the 1992 election and within one (1) year of subsequent elections, elect to retain the current method of appointing or electing such director or superintendent for an additional term of office or for a period of four (4) years, whichever is less.

(3) An election made pursuant to subdivision (2) of this subsection shall only be valid for one (1) term of office or four (4) years, whichever is less. If a legislative body wishes to retain its current method of appointing or electing the superintendent in a manner other than appointment by the local board of education for additional terms of office or four (4) year periods, it must elect to do so by a two-thirds (2/3) vote at least one (1) year prior to the commencement of each such term or four (4) year period.

(4) Nothing in this subsection shall be construed as authorizing a local education agency in which the director of schools or superintendent is currently appointed by the local board of education to alter or modify its current method of appointment.

FURTHER AMEND by adding the following as a new subsection (e) to the amendatory language of Section 12 of the printed bill:

(e)(1) Notwithstanding the provisions of this subsection to the contrary, in those counties where the county superintendent of public instruction is not currently appointed by the local board of education, the legislative body of any such county may, by a two-thirds (2/3) vote taken within six (6) months of the 1992 election and within one (1) year of subsequent elections, elect to retain the current method of appointing or electing such superintendent for an additional term of office or for a period of four (4) years, whichever is less.

(2) An election made pursuant to subdivision (1) of this subsection shall only be valid for one (1) term of office or four (4) years, whichever period is less. If a county legislative body wishes to retain its current method of appointing or electing the superintendent in a manner other than appointment by the local board of education for additional terms of office or four (4) year periods, it must elect to do so by a two-thirds (2/3) vote at least one

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(1) year prior to the commencement of each such term or four (4) year period.

(3) Nothing in this subsection shall be construed as authorizing a county in which the school superintendent is currently appointed by the local board of education to alter or modify its current method of appointment.

AND FURTHER AMEND by deleting the figure "21" in the column designated "Maximum Class Size" in the amendatory language of Section 39 of the original bill and by substituting instead the figure "25".

AND FURTHER AMEND by inserting the word "public" in the amendatory language of Section 39 between the word "every" and the words "local school system".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 752 by adding the following new sections to be appropriately designated:

Section _____. Notwithstanding any other provisions of this act, in implementing the provisions of this act that affect the state's funding of local education agencies, it is the legislative intent that the state shall not reduce any local education agency's total state funding below the amount received under the Tennessee Foundation Program for the 1990-91 fiscal year unless the total appropriation available for the implementation of this act for any subsequent fiscal year is less than the total appropriations made for the Tennessee Foundation Program for the 1990-91 fiscal year. To the extent that the total appropriation made for the purpose of implementing this act is less than the amount of the total appropriation made to the Tennessee Foundation Program for the 1990-91 fiscal year, then each local education agency shall receive an amount of state funding which is not less than the amount of state support received by the local education agency for the 1990-91 fiscal year, less a pro-rata share of the amount of the reduction made in the total appropriation for implementing the provisions of this act. Provided, however, the total amount of state funding provided to each local education agency may be adjusted by the state to reflect changes in enrollment.

Section _____. During the implementation of this act, the Commissioner, with the approval of the State Board of Education and the Select Oversight Committee on Education, shall waive the implementation of any new requirements of this act or rules

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

pursuant to this act which require state funded expenditures, money for which has not been appropriated by the General Assembly.

Pursuant to Rule No. 30, Rep. Copeland moved to divide the question, which motion prevailed.

Rep. Purcell moved adoption of Division I of Amendment No. 2 as follows:

Amendment No. 2, Division I

Amend House Bill No. 752 by adding the following new sections to be appropriately designated:

Section _____. Notwithstanding any other provisions of this act, in implementing the provisions of this act that affect the state's funding of local education agencies, it is the legislative intent that the state shall not reduce any local education agency's total state funding below the amount received under the Tennessee Foundation Program for the 1990-91 fiscal year unless the total appropriation available for the implementation of this act for any subsequent fiscal year is less than the total appropriations made for the Tennessee Foundation Program for the 1990-91 fiscal year. To the extent that the total appropriation made for the purpose of implementing this act is less than the amount of the total appropriation made to the Tennessee Foundation Program for the 1990-91 fiscal year, then each local education agency shall receive an amount of state funding which is not less than the amount of state support received by the local education agency for the 1990-91 fiscal year, less a pro-rata share of the amount of the reduction made in the total appropriation for implementing the provisions of this act. Provided, however, the total amount of state funding provided to each local education agency may be adjusted by the state to reflect changes in enrollment.

Division I of Amendment No. 2 was adopted by the following vote:

Ayes.	87
Noes.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Turner (Hamilton), Turner (Shelby),

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Venable, Walley, West, Whitson, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Coffey, Davis (Knox), Joyce, Niceley, Shirley, Stamps, Williams (Shelby), Williams (Union) -- 8.

Rep. Bragg moved adoption of Division II of Amendment No. 2 as follows:

Amendment No. 2, Division II

Section _____. During the implementation of this act, the Commissioner, with the approval of the State Board of Education and the Select Oversight Committee on Education, shall waive the implementation of any new requirements of this act or rules pursuant to this act which require state funded expenditures, money for which has not been appropriated by the General Assembly.

Rep. Bragg moved the previous question, which motion failed by the following vote:

Ayes.	53
Noes.	43

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Winningham, Wix, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Wood -- 43.

Rep. Copeland moved to substitute the motion to adopt Division II of Amendment 2 with the motion to reject, which motion prevailed.

Rep. Purcell moved to table the motion to reject, which motion prevailed by the following vote:

Ayes.	57
Noes.	40

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 40.

Rep. Purcell renewed the motion to adopt Division II of Amendment No. 2, which motion prevailed by the following vote:

Ayes.	65
Noes.	32

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Winningham, Wix, Mr. Speaker Naifeh -- 65.

Representatives voting no were: Anderson, Bittle, Callicott, Chiles, Coffey, Copeland, Davis (Knox), Duer, Gunnels, Haley, Harrill, Hassell, Haun, Hill, Holcomb, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Severance, Shirley, Sipes, Stamps, Walley, Williams (Shelby), Williams (Union), Windle, Wood -- 32.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

In Section 3, add the following language immediately after the second sentence of the amendatory language designated 49-3-307:

No LEA shall commence the fall term until its share of the Basic Education Program has been included in the budget approved by the local legislative body.

On motion, Amendment No. 3 was adopted by the following vote:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Ayes. 93
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 3 as House Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 752 by adding the following new sections immediately preceding the severability clause section and by renumbering subsequent sections accordingly:

Section _____. Tennessee Code Annotated, Section 8-27-303(a)(1)(A), is amended by adding the words "funded through the Basic Education Program" immediately after the words "local education employee" appearing in the fourth line.

Section _____. Tennessee Code Annotated, Section 8-37-402, is amended,

first by adding the words "funded through and to the extent provided in the Basic Education Program" immediately after the word "teachers" appearing in subsection (a)(2);

and second, by changing subsection (b) to (c) and adding a new subsection (b) as follows:

(b) The local education agency shall contribute the amounts of normal and accrued liability contribution on account of teachers they employ to the extent those amounts are not funded through the Basic Education Program.

Section _____. Tennessee Code Annotated, Section 8-38-116, is amended by deleting the section and substituting instead the following:

Section 8-38-116. Appropriations for

contributions and administrative costs.

(a) The general assembly shall make appropriations sufficient to provide contributions and administrative costs in accordance with Sections 8-38-105 -- 8-38-114 on behalf of state employees and of teachers funded through and to the extent provided in the Basic Education Program.

(b) The local education agency shall contribute sufficient amounts to provide those contributions and administrative costs in accordance with Sections 8-38-105 -- 8-38-114 to the extent those amounts are not funded through the Basic Education Program.

Rep. Bivens moved the previous question, which motion failed by the following vote:

Ayes.	49
Noes.	48

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones U (Shelby), Kisber, Knight, Love, Moore, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Chumney, Coffey, Cole, Copeland, Davis (Knox), DeBerry, Duer, Garrett, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Jones R (Shelby), Joyce, Kent, King, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, West, Williams (Shelby), Williams (Union), Wood -- 48.

Rep. Clark moved the previous question, which motion prevailed.

On motion, Amendment No. 4 was adopted by the following vote:

Ayes.	58
Noes.	40

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Byrd, Chiles, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Hargrove, Harrill, Haun, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Joyce, Kisber, Knight, Liles, Love, McDaniel, Moore, Napier, Niceley, Phillips, Pinion, Pruitt, Purcell,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Turner (Hamilton), Walley, Whitson, Windle, Wix, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bittle, Callicott, Chumney, Coffey, Copeland, Davis (Knox), DeBerry, Dixon, Garrett, Halteman, Hassell, Hill, Holcomb, Hubbard, Jones R (Shelby), Jones U (Shelby), Kent, King, McAfee, McKee, Meyer, Nuber, Odom, Peroulas Draper, Severance, Shirley, Stamps, Tindell, Tullos, Turner (Shelby), Venable, West, Williams (Shelby), Williams (Union), Winningham, Wood -- 40.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to present not voting on Amendment No. 4 to House Bill No. 752 and have this statement entered in the Journal.

Rep. Micheal Williams

REGULAR CALENDAR, CONTINUED

Rep. Halteman moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Halteman moved to amend as follows:

Amendment No. 6

AMEND House Bill No. 752 by deleting from Section 52 the word and figure "five (5)" and by substituting instead the word and figure six (6)".

AND FURTHER AMEND by deleting from Section 53 the word and figure "five (5)" and by substituting instead the word and figure "seven (7)".

AND FURTHER AMEND by deleting from Section 55 the word and figure "five (5)" and by substituting instead the word and figure "seven (7)".

AND FURTHER AMEND by adding the following new subdivision to Section 54 (2):

() A student enrolled in a home school who passes a nationally recognized standardized test that is approved by the commissioner of education.

On motion, Amendment No. 6 was adopted by the following vote:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: DeBerry, Jones U (Shelby) -- 2.

Rep. McDaniel moved to amend as follows:

Amendment No. 7

Amend House Bill No. 752 by adding a new sentence at the end of the amendatory language in Section 41 of the original, printed bill, as follows:

The provisions of this section shall not apply to the board of education for any school system operated by a municipality located in counties having a population, according to the 1980 federal census or any subsequent federal census, of not less than twenty-one thousand three hundred and twenty-five (21,325) nor more than twenty-one thousand four hundred and twenty-five (21,425).

On motion, Amendment No. 7 was adopted by the following vote:

Ayes.	94
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Jones R (Shelby), Turner (Shelby) -- 2.

Representatives present and not voting were: Jones U (Shelby) -- 1.

Rep. Holcomb moved to amend as follows:

Amendment No. 8

AMEND House Bill No. 752 by adding the following new section to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Section 49-2-301(f), is amended by adding the following new subdivision:

(____) Provide to the department of safety a listing of all students who are currently enrolled in good academic standing as evidenced by maintaining passing grades in five (5) or more subjects in the preceding grading period.

AND FURTHER AMEND by adding the following new section to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Title 49, Chapter 6, Part 4, is amended by adding the following new section:

Section 49-6-4 _____. Any student who is denied a driver license or whose license is suspended by the department of safety under the provisions of Sections 55-50-511 through 55-50-514, shall be provided with counseling by the local education agency by an appropriately qualified staff member. The primary focus of the counseling with the minor will be that of assisting the person to understand the importance of enrollment, membership, and the completion of an education program. The counseling may include the following:

- 1) Consequences of leaving school without a marketable skill (that expected lifetime earning of dropouts are less than half of those who stay in school; that dropouts typically experience higher unemployment rates than those who have completed their educational program; that fewer career choices, options, and advancement

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

opportunities are available for the dropout),

2) Recognition of abilities, interests, values, and personality traits,

3) Goal setting strategies,

4) Problem solving and decision making,

5) Ability to gather, process and act upon information about self and work choices,

6) Ability to perceive the relationship between academic content learned in the school and its application to life and career choices.

Rep. Purcell moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes.	56
Noes.	42

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Turner (Hamilton), West, Whitson, Winningham, Wix, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Coffey, Copeland, Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Jackson, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas, Draper, Pruitt, Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, Williams (Shelby), Williams (Union), Windle, Wood -- 42.

Rep. Holcomb moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Sipes moved to amend as follows:

Amendment No. 10

Amend House Bill No. 752 by adding the following new section to be appropriately designated:

SECTION _____. Tennessee Code Annotated, Section 49-5-5605, is amended by adding a new sentence, as follows:

The minimum acceptable passing score shall be at

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

the thirty-third (33rd) percentile level, or higher.

Rep. Purcell moved that Amendment No. 10 be tabled, which motion prevailed by the following vote:

Ayes.	63
Noes.	33

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Harrill, Hassell, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Allen, Bittle, Callicott, Chiles, Coffey, Copeland, Davis (Knox), Duer, Gunnels, Haley, Halteman, Haun, Hill, Holcomb, Hubbard, Joyce, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas, Draper, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 33.

REMARKS ON AMENDMENT NO. 10

By Peggy Knight

Explanation of my vote on Sipes Amendment [Amendment No. 10] (for the Journal)

I believe that the Education department at the University level and the new licensure guidelines of department at the State Department of Education will adequately take care of teachers proving their ability to teach effectively.

Peggy Knight

REGULAR CALENDAR, CONTINUED

Rep. Coffey moved to amend as follows:

Amendment No. 11

Amend House Bill No. 752 by deleting Section 49-1-104 of Section 39 of the printed bill and by substituting instead the following:

49-1-104.

(a) Class size. -- For grades one (1) through

twelve (12) there shall be no waivers in class size granted by the board or department of education, except physical education classes. A system shall be eligible for class waivers not to exceed ten percent (10%) at each grade level.

(b) Class size. -- For kindergarten (K) classes effective with the 1993-94 school year, neither the commissioner nor the state board of education shall grant waivers from the maximum class size of twenty-one (21) students per class. Every local school system shall have as a policy that pupil-teacher ratios should not exceed the average of twenty (20) students. In no school building shall the average size of any kindergarten (K) exceed the stated average, though any individual class within the kindergarten (K) level of such school may exceed the average, provided that no class shall exceed the prescribed maximum size.

Rep. Purcell moved that Amendment No. 11 be tabled, which motion prevailed by the following vote:

Ayes.	67
Noes.	29

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, McKee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Allen, Bittle, Chiles, Coffey, Copeland, Davis (Knox), Duer, Haley, Halteman, Harrill, Hassell, Haun, Holcomb, Hubbard, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Venable, Walley, Williams (Union), Wood -- 29.

Rep. Callicott moved to amend as follows:

Amendment No. 12

Amend House Bill No. 752 by adding the following as a new section to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 49-5-602 is amended by adding the following at the end of subsection (11):

provided that any person employed by a local board of education in the position of principal, supervisor or other full-time administrator shall be excluded from being a "professional employee" as defined in this subsection so long as that person makes written request to the board of education. The request shall take effect immediately upon filing a copy of the letter in the superintendent's office.

Rep. Callicott moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Niceley moved to amend as follows:

Amendment No. 13

Amend House Bill No. 752 by adding the following new section to be appropriately designated:

SECTION _____. Any costs incurred in the implementation of the value added assessment program provided for in Section 4 of the printed bill, as amended on pages 11 through 19 of House Education Committee Amendment No. 1, shall be funded through funds otherwise appropriated to the state department of education for testing and/or administration. Any other provisions of the bill which impose new costs on state or local governments shall be null and void unless specifically funded.

Rep. Purcell moved that Amendment No. 13 be tabled, which motion prevailed by the following vote:

Ayes.	58
Noes.	39

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, McKee, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 39.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Rep. Wood moved to amend as follows:

Amendment No. 14

Amend House Bill No. 752 by deleting Sections 31 and 32 of the printed bill.

Rep. Purcell moved that Amendment No. 14 be tabled, which motion prevailed by the following vote:

Ayes.	63
Noes.	33
Present and not voting.	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, McKee, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Anderson, Bittle, Callicott, Chiles, Coffey, Copeland, Curlee, Davis (Knox), Duer, Haley, Harrill, Hassell, Hill, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Union), Wood -- 33.

Representatives present and not voting were: Haun -- 1.

Rep. Davis (Knox) moved to amend as follows:

Amendment No. 15

Amend House Bill No. 752 by adding the following new section, to be appropriately designated:

SECTION _____. The commissioner of education is hereby directed to conduct a pilot program of parental choice in school attendance. The program shall be implemented no later than the 1992 school year and shall be continued for four (4) years thereafter. The program shall be implemented in Shelby, Davidson, Knox, and Hamilton counties and in three (3) additional rural counties selected by the commissioner, one in each grand division. The program in Shelby, Davidson, Knox, and Hamilton counties shall target families with incomes at or below one hundred seventy-five percent (175%) of the poverty level, as determined by the commissioner of human services. In each county the parents of students shall be allowed to

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

choose which school, public or private, their children will attend and the federal, state, or local funds which would be distributed to a local education agency on behalf of that student shall then be transferred to the school of attendance, in accordance with procedures established by the commissioner. In implementing these pilot programs, the commissioner is directed to apply for any applicable school choice grants available from the federal government or from private sources.

Rep. Purcell moved that Amendment No. 15 be tabled, which motion prevailed by the following vote:

Ayes.	53
Noes.	42
Present and not voting.	1

Representatives voting aye were: Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones U (Shelby), Kent, King, Kisber, Knight, Love, McKee, Moore, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Odom, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, West, Williams (Shelby), Williams (Union), Wood -- 42.

Representatives present and not voting were: Armstrong -- 1.

Rep. Dixon moved the previous question, which motion failed by the following vote:

Ayes.	42
Noes.	53

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Dixon, Ferguson, Garrett, Givens, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones U (Shelby), King, Kisber, Knight, Love, Moore, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Winningham, Wix -- 42.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(Knox), DeBerry, Duer, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Jones R (Shelby), Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Phillips, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Wood -- 53.

Rep. L. Turner (Shelby) moved to amend as follows:

Amendment No. 16

Amend House Bill No. 752 by adding a new section, as follows, to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 49-6-2203(a), is amended by deleting the words and figures "not less than three (3) years nor more than six (6) years" and substituting the words and figures "three (3) years".

Rep. Davidson moved that Amendment No. 16 be tabled, which motion prevailed by the following vote:

Ayes.	67
Noes.	27

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Duer, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Joyce, Kent, King, Kisber, Knight, Love, McAfee, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Turner (Hamilton), Walley, West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Armstrong, Callicott, Copeland, Davis (Knox), DeBerry, Dixon, Gunnels, Haley, Harrill, Hassell, Haun, Holcomb, Hubbard, Jones R (Shelby), Jones U (Shelby), Liles, McDaniel, Niceley, Nuber, Pruitt, Sipes, Tullos, Turner (Shelby), Venable, Williams (Shelby), Williams (Union), Wood -- 27.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on the motion to table Amendment No. 16 to House Bill No. 752 and have this statement entered in the Journal.

Rep. Michael Williams

REGULAR CALENDAR, CONTINUED

Rep. L. Turner (Shelby) moved to amend as follows:

Amendment No. 17

Amend House Bill No. 752 by adding a new section, as follows, to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 49-1-201(c), is amended by adding the following new subdivision, to be appropriately designated:

() To develop curriculum frameworks and curriculum guides, appropriate for use for instruction in grades kindergarten through twelve (K-12), built through a progression of skills, designed to encourage and enhance the cultural, social and personal diversity of all individuals.

On motion, Amendment No. 17 was adopted by the following vote:

Ayes.	83
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Chiles, Haley -- 2.

Representatives present and not voting were: Hubbard -- 1.

Rep. L. Turner (Shelby) moved to amend as follows:

Amendment No. 18

Amend House Bill No. 752 by adding the following new section, to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 49-2-201(c), is amended by adding the following new subdivision, to be appropriately designated:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

() To construct an annotated bibliography of sources of information, materials, catalog, audiovisual aids and other activities about the contributions of African-Americans to the development of Tennessee, the United States and the World.

On motion, Amendment No. 18 was adopted by the following vote:

Ayes.	85
Noes.	2

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Haley, Haun -- 2.

Rep. L. Turner (Shelby) moved to amend as follows:

Amendment No. 19

Amend House Bill No. 752 by adding the following new section, to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 49-2-201(c), is amended by adding the following new subdivision, to be appropriately designated:

() To develop a system to monitor compliance with Tennessee Code Annotated, Section 49-6-1006, and to ensure that this legislative mandate is being followed.

Rep. L. Turner (Shelby) moved that Amendment No. 19 be withdrawn, which motion prevailed.

Rep. Duer moved that Amendment No. 20 be withdrawn, which motion prevailed.

Rep. Phillips moved to amend as follows:

Amendment No. 21

Amend House Bill No. 752 by adding the following new provision to Section 41 of the printed bill to be appropriately designated:

In any municipality operating a school system, a popularly elected city council may serve as the school board, notwithstanding the provisions of this section.

Rep. Purcell moved that Amendment No. 21 be tabled, which motion failed by the following vote:

Ayes.	44
Noes.	45
Present and not voting.	7

Representatives voting aye were: Arriola, Bivens, Bragg, Byrd, Chiles, Clark, Cole, Collier, Cross, Curlee, Davidson, Dixon, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Johnson, Jones R (Shelby), Kisber, McDaniel, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Allen, Anderson, Bell, Bittle, Buck, Callicott, Chumney, Coffey, Copeland, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Gunnels, Haley, Harrill, Hill, Holcomb, Huskey, Jackson, Kent, King, Liles, McAfee, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullios, Venable, Walley, Windle, Winningham, Wood -- 45.

Representatives present and not voting were: Armstrong, Hubbard, Jones U (Shelby), Knight, Tindell, Turner (Hamilton), Williams (Union) -- 7.

Thereupon, Rep. Phillips renewed the motion to adopt Amendment No. 21.

Rep. Bivens moved to reject Amendment No. 21.

Rep. Phillips moved to table the motion to reject, which motion failed by the following vote:

Ayes.	38
Noes.	58

Representatives voting aye were: Anderson, Bittle, Buck, Callicott, Coffey, Copeland, Davis (Cocke), Davis (Knox), Duer, Ferguson, Gunnels, Haley, Harrill, Hill, Holcomb, Huskey, Jackson, Joyce, King, Liles, McAfee, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Phillips, Rigsby, Severance, Shirley, Stamps, Tullios,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Venable, Walley, Williams (Union), Windle, Winningham, Wood -- 38.

Representatives voting no were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Dixon, Fowlkes, Garrett, Givens, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kisber, Knight, Love, McDaniel, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 58.

Rep. Bivens renewed the motion to reject Amendment No. 21 to House Bill No. 752, which motion prevailed by the following vote:

Ayes.	62
Noes.	35

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Dixon, Ferguson, Garrett, Givens, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kisber, Knight, Love, McDaniel, McKee, Napier, Odom, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Winningham, Wix, Mr. Speaker Naifeh -- 62.

Representatives voting no were: Anderson, Bittle, Buck, Coffey, Copeland, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Gunnels, Haley, Harrill, Hill, Holcomb, Huskey, Jackson, Joyce, King, Liles, McAfee, Meyer, Moore, Niceley, Nuber, Peroulas Draper, Phillips, Severance, Shirley, Stamps, Tullos, Venable, Walley, Williams (Union), Windle, Wood -- 35.

Rep. Severance moved that Amendment No. 22 be withdrawn, which motion prevailed.

**REMARKS on House Bill No. 752
by Rep. Doug Gunnels**

Rep. Gunnels asked that the following remarks be spread on the Journal on House Bill No. 752.

[I want to] share with you why [I am] voting against this bill.

It isn't because of any partisan or bipartisan effort to defeat or pass the bill. Nor is it because I'm against improving education. I have two children -- 1 in the 3rd grade and 1 approaching kindergarten.

Ladies and Gentlemen I am very familiar with our educational

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

problems.

Since Session began, I have heard all kinds of discussion ranging from classroom size to taking tenure away from teachers, and I'm tired of hearing my teacher Bashed. They're are [sic] doing the best they can with what they have to do with. I have a stack of letters from my teachers, and each one says the same thing, DO NOT PASS THE BEP IF IT CAN'T BE FULLY FUNDED.

Ladies and Gentleman [sic] it requires almost \$700 million dollars in new taxes to fund this bill. I cannot vote for a 700 million dollar tax increase. For that reason I believe this major reform bill is before us in the wrong year. The people of Tennessee cannot at this time, afford it.

/s/Doug Gunnels

REGULAR CALENDAR, CONTINUED

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.	58
Noes.	40

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Hassell, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Haun, Hill, Holcomb, Hubbard, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 40.

MOTION

Rep. Rhinehart moved that pursuant to Rule No. 21, the Calendar and Rules Committee meet and set a time limit for debate on House Bill No. 752, which motion he then withdrew.

Rep. Haun moved that House Bill No. 752 be re-referred to Finance, Ways and Means Committee.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Rep. Purcell moved to table the motion to re-refer, which motion prevailed by the following vote.

Ayes.	59
Noes.	38

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Chumney, Coffey, Copeland, Davis (Knox), Duer, Gunnels, Haley, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 38.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 23

Amend House Bill No. 752 by deleting the words "but such approval shall be on the complete plan or revision and shall not be subject to amendment of the plan or revision" from amendatory Section 49-3-301(a), as amended in Section 3 of the bill.

Rep. Davidson moved that Amendment No. 23 be tabled, which motion prevailed by the following vote:

Ayes.	53
Noes.	44

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Chumney, Coffey, Copeland, Davis (Knox), Dixon, Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Jones R (Shelby), Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Pruitt, Robinson

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 44.

Rep. Duer moved to amend as follows:

Amendment No. 24

Amend House Bill No. 752 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Notwithstanding the provisions of this act or any other law to the contrary, with funding provided through the formula devised for the Tennessee Basic Education Program, the Tennessee public school nurse program, created by Tennessee Code Annotated, Section 68-1-1201(a), shall employ at least one hundred (100) additional school nurses each year to provide the services set forth in Tennessee Code Annotated, Section 68-1-1202. As such nurses are employed, they shall be assigned in accordance with the criteria set forth in Tennessee Code Annotated, Section 68-1-1203(b). Such incremental increases in employment of such school nurses shall continue each year until the ratio, as set forth Tennessee Code Annotated, Section 68-1-1203(b), is permanently attained.

Rep. Purcell moved that Amendment No. 24 be tabled, which motion prevailed by the following vote:

Ayes.	51
Noes.	45

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Odom, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), Whitson, Winningham, Wix, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Chumney, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), DeBerry, Duer, Gunnels, Haley, Halteman, Harriell, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Liles, McDaniell, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Phillips, Pruitt, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Wood -- 45.

Rep. Jackson moved the previous question, which motion failed by the following vote:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Ayes.	59
Noes.	37

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Knox), Duer, Gunnels, Haley, Harrill, Hassell, Haun, Hill, Hubbard, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Venable, Williams (Shelby), Williams (Union), Wood -- 37.

MOTION

We the following members of the House of Representatives request that the Committee on Calendar and Rules meet and set a time limit for debate on House Bill No. 752.

Shelby Rhinehart
Mayo Wix
John Arriola

Ivory Hillis, Jr.
Tommy Head

REGULAR CALENDAR, CONTINUED

Rep. Rhinehart moved that, pursuant to **Rule No. 21**, the Committee on Calendar and Rules meet to set a time limit for debate on House Bill No. 752, which motion failed by the following vote:

Ayes.	45
Noes.	48

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg, Chumney, Clark, Collier, Cross, Curlee, Davis (Gibson), Dixon, Ferguson, Fowlkes, Garrett, Hargrove, Head, Hillis, Holt, Huskey, Jackson, Johnson, Jones U (Shelby), King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 45.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Byrd, Callicott, Chiles, Coffey, Cole, Copeland, Crain, Davis (Knox), Duer, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Herron, Hill, Holcomb, Hubbard, Jones R (Shelby), Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 48.

MOTION TO ADJOURN

Rep. U. Jones moved that the House adjourn until 2:00 p.m. on tomorrow, which motion failed by the following vote:

Ayes.	7
Noes.	84
Present and not voting.	1

Representatives voting aye were: Buck, Garrett, Jones U (Shelby), Joyce, Niceley, Pruitt, Shirley -- 7.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Peroulas Draper, Phillips, Pinion, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives present and not voting were: Armstrong -- 1.

REGULAR CALENDAR, CONTINUED

Rep. Givens moved the previous question, which motion failed by the following vote:

Ayes.	58
Noes.	39

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Allen, Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Knox), Duer,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Venable, Williams (Shelby), Williams (Union), Wood -- 39.

Rep. Severance moved the previous question, which motion prevailed by the following vote:

Ayes.	68
Noes.	26

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Hassell, Head, Herron, Hill, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Anderson, Bittle, Buck, Callicott, Chiles, Copeland, Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Haun, Holcomb, Hubbard, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Stamps, Venable, Williams (Shelby), Wood -- 26.

Thereupon, Rep. Bivens moved that **House Bill No. 752**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	68
Noes.	30

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bivens, Bragg, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Halteman, Hargrove, Hassell, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Love, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Anderson, Bittle, Buck, Callicott, Chiles, Coffey, Copeland, Davis (Knox), Duer, Gunnels, Haley, Harrill, Haun, Hill, Holcomb, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Severance, Shirley, Sipes, Stamps, Tullos, Williams (Shelby), Wood -- 30.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

A motion to reconsider was tabled.

**REMARKS on House Bill No. 752
by Rep. Copeland**

Rep. Copeland requested that the following remarks on House Bill No. 752 be spread on the Journal.

M E M O R A N D U M

TO: GENERAL DISTRIBUTION
FROM: DAVID Y. COPELAND
DATE: MAY 20, 1991
SUBJECT: HOUSE BILL 752

Under HB 752 the state will pay 50.87% of some LEA's costs while paying 89.64% of others, and LEA's will pay as little as \$372 per student to as much as \$2144 per student.

The design of the BEP is different than the TFP which it will replace; the TFP allocated a total cost to be borne by all local on the basis of its relationship to all other local governments in Tennessee.

The BEP assumes that \$3600 will be expended for each child and initially apportions the cost between state and local governments at 70%/30%, which converts into \$2520 per child to be paid by the state and \$1080 per child to be paid by the local (the 70/30 is later changed).

An inherent feature of the BEP is said to be equalization, which HB 752 does not define. While equalization could refer to funds expended, educational opportunity, or the effort required of a local relative to its ability to generate revenue, it is proposed to be achieved through use of formulas, and its effect is substantial, inequitable and indefensible cost-shifting.

HB 752 does not define the formulas, but does authorize their use; according to testimony in FW&M Committee, one of them (presumably intended to measure local ability) will be:

$$(EAPV*1.43) + (TAXABLE SALES*1.26)$$

where EAPV is equalized assessed property value and taxable sales are retail sales within the county. The rates seem to have been selected for no reason other than to generate the desired revenue.

But, assessed property value does not indicate ability to pay. It indicates political success in shifting the tax burden from one taxpayer to another and from one jurisdiction to another by manipulating the tax roll ... a property worth \$1000 may assess at \$550 or it may not be assessed at all.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Use of assessed property value will result in lowering the apparent ability to pay for some jurisdictions while raising it for others; use of assessed values as an indicator of ability to pay is a function of wealth.

Proponents of measuring local ability according to assessed property value contend that it is appropriate because it is the legal tax base, but the ability of a local government is the ability of its citizens - not how successful they have been in manipulating the tax base to reduce their taxes.

The formula above will calculate the amount of revenue that a county could raise if it taxed property at \$1.43 per \$100 and taxed sales at \$1.26 per \$100, and is apparently intended to be the basis for equalization; but, its result appears to later be ignored when allocating cost burdens.

Because HB 752 does not define the formulas and their intended effect, they collectively appear to have little effect other than to provide a justification for the State Board to arbitrarily decide who pays the most and who pays the least, as shown:

	PER 70/30 FORMULA			PER DEPT OF EDUC		
LEA (ADA*3600)	8,785,000	(\$3600)		8,785,000	(\$3600)	
State 70%	6,131,000	(\$2520)	70%	6,131,000	(\$2520)	70%
State extra				1,226,000	(\$ 503)	14%
Local	2,626,000	(\$1080)	30%	1,402,000	(\$ 576)	16%

With the state's extra contribution, it will pay 84% of that LEA's total BEP cost, while the LEA will only pay 16% --- a long way from the 70/30% or \$2520/1080 previously discussed. Adjustments will be made for eighty-five (85) of Tennessee's ninety-five (95) counties, though not all to the amount shown.

If ability to pay is a legitimate consideration, it should be based on realistic indicators. The most realistic indicator of ability to pay is money because its value is uniform, and not manipulated by percentage adjustments.

The presence of money can be measured by its movement: its movement if reflected as income and spending (sales), and both values are presently collected by the state.

If money is not chosen to measure ability to pay, then a more valid indicator than assessed property value would be the use of current market value, which is also available.

The use of current market value will remove the arbitrary effects that result from applying percentages to market value; because the base would be larger, the rate required to generate the same revenues could be lowered from \$1.43 per \$100 to \$.4185 per \$100.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Representative Bill Purcell
18 Legislative Plaza
Nashville, TN 37243

Dear Bill:

HB 752 is scheduled on the House Floor for today, and full and complete explanation should be made of all aspects of its intended operation before it is moved for passage.

Some of my questions as to funding, equalization, measurement of ability to pay, and a clear statement of intent for the Tennessee Basic Education Program remain unanswered; in some instances perhaps answers were made and not understood, but in others they seem to have been avoided or evaded.

Other House members have expressed similar concerns and doubts.

I request that you, as Sponsor of HB 752:

- 1) clearly and precisely articulate the intent and objective of the BEP, and
- 2) define all formulas referenced in HB 752 in mathematical values are utilized, and
- 3) defined all formulas referenced in HB 752 as a rule for implementing a standard of operation where mathematical values are not utilized, and
- 4) explain why you would resist change in measuring ability to pay that would more nearly reflect citizens wealth.

Sincerely,
/s/David Y. Copeland

**MESSAGE FROM THE SENATE
May 20, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 277 and 279; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0277 -- Memorials, Recognition and Thanks -- Northwood Avenue, National Register of Historic Places. by *McKnight.

Senate Joint Resolution No. 0279 -- Memorials, Death -- Tennessee Highway Patrol Trooper Doug Tripp. by *McNally, et al.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 20, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 281 and 282; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0281 -- Memorials, Recognition and Thanks -- Colonel James W. "Buck" Norwood. by *Kyle, *Burks.

Senate Joint Resolution No. 0282 -- Memorials, Death -- Edward L. Topp of Memphis. by *Person, *Dunavant, *Wilder, Kyle, Ford, Davis E. Cohen.

MESSAGE FROM THE SENATE

May 20, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 376; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Bill No. 0376 -- District Attorneys -- Creates additional assistant district attorney general position for 18th judicial district. Amends TCA 16-2-506. by *Rochelle.

MESSAGE FROM THE SENATE

May 20, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1207; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Bill No. 1207 -- Consumer Protection -- Sets forth conditions for voluntary compliance of consumer protection; sets civil penalty for violation; clarifies statute of limitations. Amends TCA, Title 47, Ch. 18, Pt. 1. by *Cooper.

MESSAGE FROM THE SENATE

May 20, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 539; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

**MESSAGE FROM THE SENATE
May 20, 1991**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 881; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 20, 1991**

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 963; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 20, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 269; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0269 -- Memorials, Heroism -- Lt. Katheleen Houff, Operation Desert Storm. by *Hamilton.

REGULAR CALENDAR, CONTINUED

House Bill No. 0931 -- District Attorneys -- Creates additional assistant district attorney general position for 18th judicial district. Amends TCA 16-2-506.

Further consideration of House Bill No. 931, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 20, 1991.

On motion, House Bill No. 931 was made to conform with Senate Bill No. 376.

On motion, **Senate Bill No. 376**, on same subject, was substituted for House Bill No. 931.

Rep. Stamps moved that **Senate Bill No. 376** be passed on third and final consideration, which motion prevailed by the following vote:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Ayes.	89
Noes.	3
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Moore, Pinion, Ridgeway -- 3.

Representatives present and not voting were: Holcomb, Rigsby -- 2.

A motion to reconsider was tabled.

House Bill No. 1380 -- Pest Control -- Removes provision stating rules promulgated under Tennessee Pest Control Operators Act of 1972 are rules under Tennessee Application of Pesticides Act of 1978. Amends TCA, Title 62, Ch. 21.

Further consideration of House Bill No. 1380, previously considered on May 6, 1991, at which time it was reset to the Calendar for May 20, 1991.

On motion, House Bill No. 1380 was made to conform with Senate Bill No. 1421.

On motion, **Senate Bill No. 1421**, on same subject, was substituted for House Bill No. 1380.

Rep. Stamps moved that **Senate Bill No. 1421** be passed on third and final consideration.

On motion, Rep. Davis (Gibson) withdrew Agriculture Committee Amendment No. 1.

Rep. Stamps moved that **Senate Bill No. 1421** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	81
Noes.	9
Present and not voting.	3

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Wix, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Armstrong, Arriola, DeBerry, Dixon, Ferguson, Head, Rigsby, Windle, Winningham -- 9.

Representatives present and not voting were: Chumney, Johnson, Williams (Union) -- 3.

A motion to reconsider was tabled.

SPECIAL CONSENT CALENDAR

House Resolution No. 0113 -- Memorials, Interns -- Scott "Scooter" Fernandez. by *Bragg.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0114 -- Memorials, Interns -- Kirkland Wayne LaLance. by *Bragg.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0115 -- Memorials, Public Service -- Albert Williams, recipient of Reader's Digest American Heroes in Education award. by *Arriola.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0116 -- Memorials, Professional and Business Achievement -- Paul E. Byerley, Tennessee Vocational Agriculture Teacher of the Year. by *Williams M.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0117 -- Memorials, Public Service -- Richard Leon Burgess, Chief of Police for City of Baxter. by *Hargrove.

Introduced; placed on Special Consent Calendar.

House Resolution No. 0118 -- Memorials, Personal Achievement -- Russell Mann. by *Knight.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0377 -- Memorials, Retirement -- Oscar Yates. by *Byrd.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0378 -- Memorials, Personal Achievement -- Judy Chen, National Merit Scholarship Finalist. by *Turner B.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0379 -- Memorials, Congratulations -- Elizabeth Bea Jackson. by *Liles.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0380 -- Memorials, Interns -- Carol Bennett. by *King, *Kernell, *Garrett.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0381 -- Memorials, Sports -- Coach Russell Richardson, Celina High School. by *Winningham.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0382 -- Memorials, Personal Achievement -- Hendersonville High School students and teachers, first place at state BPA convention. by *Stamps.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0383 -- Memorials, Interns -- James M. Clary. by *Stamps.

Introduced; placed on Special Consent Calendar.

House Joint Resolution No. 0384 -- Memorials, Public Service -- Dr. Thomas E. Yarbrough. by *Turner L, *Jones R, *Byrd, *DeBerry, *Chumney.

Introduced; placed on Special Consent Calendar.

Senate Joint Resolution No. 0258 -- Memorials, Public Service -- Washington College Ruritan Club, recycling program.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0260 -- Memorials, Public Service -- McDonald Elementary School NEED Project.

Placed on Special Consent Calendar.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Senate Joint Resolution No. 0261 -- Memorials, Interns -- Anne E. Armstrong.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0262 -- Memorials, Retirement -- Betty Ruth Alexander.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0263 -- Memorials, Recognition and Thanks -- Marshall County Educational System.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0264 -- Memorials, Retirement -- Dr. Jessie H. Warren.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0267 -- Memorials, Public Service -- "Keep Greene Clean".

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0268 -- Naming and Designating -- Masonry Day, June 1, 1991.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0269 -- Memorials, Heroism -- Lt. Kathleen Houff, Operation Desert Storm.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0277 -- Memorials, Recognition and Thanks -- Northwood Avenue, National Register of Historic Places.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0279 -- Memorials, Death -- Tennessee Highway Patrol Trooper Doug Tripp.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0281 -- Memorials, Recognition and Thanks -- Colonel James W. "Buck" Norwood.

Placed on Special Consent Calendar.

Senate Joint Resolution No. 0282 -- Memorials, Death -- Edward L. Topp of Memphis.

Placed on Special Consent Calendar.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Rep. Purcell moved that all congratulatory and memorializing resolutions lying on the Clerk's desk could be introduced, considered out of order, and placed on a special consent calendar and that, pursuant to **Rule No. 50**, all resolutions either be adopted or concurred in, which motion prevailed.

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Purcell moved that, pursuant to **Rule No. 49**, all bills remaining on the Calendar tonight be placed at the head of Thursday's Calendar, which motion prevailed. Bills so placed are as follows: Senate Bill No. 1495; House Bill No. 996, Senate Bill No. 644; House Bill(s) No(s). 852, 893, 1136, 398, 764, 1567, 904, 381, 1114; Senate Bill No. 125; also, House Bill(s) No(s). 32 and 1613.

RULES SUSPENDED

Rep. Purcell moved that, pursuant to **Rule No. 49**, all bills on Wednesday's Calendar be placed at the head of Thursday's Calendar, which motion prevailed. Bill so placed: House Bill No. 1159.

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 59** further, so that all messages coming over from the Senate prior to Thursday this week would be placed on the Message Calendar for Thursday, May 23, 1991, which motion prevailed.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGES

*Senate Bill No. 0085 -- Education -- Authorizes children to attend school in county of choice if city or town located in two or more counties. Amends TCA 49-6-3112.

Rep. Ferguson moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 3 to Senate Bill No. 85, which motion prevailed.

Senate Bill No. 0100 -- Financial Disclosure -- Requires disclosure of the identity of persons purchasing certain communications which seek to influence governmental decisions. Amends TCA 2-19-120.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 100/HOUSE BILL NO. 66

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 100 (House Bill No. 66) has met and recommends that the following amendments be deleted:

Senate amendment numbers 1 and 3, and
House amendment number 1.

and further recommends that the following amendment be adopted.

Section 1 is amended by adding the following new subdivision (3):

(3) An item with a unit cost of less than three dollars (\$3.00) such as correspondence, buttons, matchbooks, or bumper stickers is exempt from the disclosure requirements of this section.

Senator Jerry Cooper
Senator Ruth Montgomery
Senator Andy Womack

Representative John Bragg
Representative Dick Clark
Representative Matthew Kisber

Rep. Bragg moved that the Report of the Conference Committee on Senate Bill No. 100 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes.	92
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Hubbard -- 1.

Representatives present and not voting were: Venable -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGES

House Bill No. 0457 -- Auctions and Auctioneers -- Establishes guidelines for firm auctioneers. Amends TCA, Title 62, Ch. 19.

Rep. Collier moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 5 to House Bill No. 457, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 457**

Pursuant to **Rule No. 73**, Representative Collier moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 457, which motion prevailed.

The Speaker appointed Representatives Collier, Rigsby and Pinion as the House members of the Conference Committee on House Bill No. 457.

***Senate Bill No. 0633** -- Garnishments and Executions -- Codifies form for garnishment calculation. Amends TCA, Title 26, Ch. 2.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 633**

Pursuant to **Rule No. 73**, Representative Herron moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 633, which motion prevailed.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

The Speaker appointed Representatives Herron, Rinks and Williams (Shelby) as the House members of the Conference Committee on House Bill No. 633.

MOTION

Senate Bill No. 0771 -- Motor Vehicles, Titling and Registration -- Provides special license plates for armed forces reserve personnel. Amends TCA, Title 55, Ch. 4.

Rep. Rhinehart moved that Senate Bill No. 771 be reset to the Message Calendar for Thursday, May 23, 1991.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 0861 -- Animals -- Revises classifications and regulations for exotic animals. Amends TCA, Title 70, Ch. 4, Pt. 4.

Rep. Robinson (Davidson) moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 5 to House Bill No. 861, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON HOUSE BILL NO. 861**

Pursuant to **Rule No. 73**, Representative Robinson (Davidson) moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 861, which motion prevailed.

The Speaker appointed Representatives Robinson (Davidson), Buck and Knight as the House members of the Conference Committee on House Bill No. 861.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1078 -- Custody and Support -- Creates certain requirements on individual party to collateral child support agreement. Amends TCA 36-5-101.

Senate Amendment No. 1

Amend House Bill No. 1078 by deleting from the amendatory language in Section 2 the language "July 1, 1991" and by substituting instead the language "January 1, 1992".

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1078**, which motion prevailed by the following vote:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1252 -- Solid Waste Disposal -- Enacts "Solid Waste Management Act of 1991". Amends TCA, Titles 49, 67; Title 68, Ch. 31.**

Senate Amendment No. 2

Amend House Bill No. 1252 by deleting in the fifth line of Section 18 the language "state planning office and" and by substituting instead the language "state planning office, at least one (1) of whom is a female, and".

Senate Amendment No. 3

Amend House Bill No. 1252 by adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 4-29-213(a), is amended by adding a new item thereto, as follows:

() Tennessee municipal solid waste advisory committee, created by Section 18 of this act;

Senate Amendment No. 6

Amend House Bill No. 1252 by deleting the word "may" in the amendatory language of Section 20 and by substituting instead the word "shall".

Senate Amendment No. 7

AMEND House Bill No. 1252 in Section 2(a)(1) by deleting the word "corporation" and by substituting instead the word "instrumentality".

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in Section 2(a) by deleting item (2) and by substituting instead the following as a new item (2):

(2) "Board" means a board, established to manage the affairs of a municipal solid waste management region, except in Sections 8, 9, 22, 23, 36, 49 and 86 where "board" means the solid waste disposal control board created in Tennessee Code Annotated, Section 68-31-111;

AND FURTHER AMEND in Section 2(a) by deleting item (4) and by substituting instead the following:

(4) "Convenience center" means any area which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive household waste, municipal solid waste, and recyclable materials;

AND FURTHER AMEND in Section 2(a)(8) by inserting the language "and yard waste" between the language "refuse," and "derived from".

AND FURTHER AMEND in Section 2(a)(10) by inserting the language "household hazardous waste, yard waste," between the language "household waste," and "and any other material".

AND FURTHER AMEND in Section 2(a)(11) by deleting the item in its entirety and by substituting instead the following:

(11) "Operator" means the person who is in charge of the actual, on-site operation of a solid waste management facility during any period of operation;

AND FURTHER AMEND in Section 2(a)(13) by deleting the item in its entirety and by substituting instead the following:

(13) "Recovered materials" means those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation processing;

AND FURTHER AMEND in Section 2(a)(14) by deleting the item in its entirety and by substituting instead the following:

(14) "Recyclable materials" means those materials which are capable of being reused or returned to use in the form of raw materials or products, whether or not such materials have been diverted or removed from the solid waste stream;

AND FURTHER AMEND in Section 2(a)(18) by inserting the language ", but does not include recovered materials" between the language "Section 68-31-103(7)" and the punctuation ";"

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in Section 2(a)(21) by deleting the item in its entirety and by substituting instead the following:

(21) "Transporter" means a person engaged in the transportation of municipal solid waste collected or to be baled or processed, or disposed of in Tennessee by rail, highway, or water, in significant amounts. The amounts deemed significant shall be determined by the board and established by regulation;

AND FURTHER AMEND in Section 2(a)(19) by:

(1) inserting the language ", or recovered" between the words "synthetic" and "oil"; and

(2) inserting the language "or may be burned as fuel" between the word "recyclable" and the punctuation ";".

AND FURTHER AMEND in Section 2(a) by appropriately inserting the following new items and by redesignating existing items appropriately:

() "Recovered materials processing facility" means a facility engaged in the storage, processing, and resale or reuse of recovered materials;

() "Solid waste combustor" or "incinerator" means a solid waste management facility engaged in reducing the amount of solid waste to be disposed of at a landfill through a process of combustion, with or without the recovery of energy; also includes all land, rights in land, buildings, fixtures, equipment and real and personal property appurtenant thereto or connected with such work;

() "Solid waste management" means the storage, collection, transfer, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

() "Solid waste management facility" means any facility the primary purpose of which is the storage, collection, transfer, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. A recovered materials processing facility is not a solid waste management facility;

() "Solid waste stream" means the system through which solid waste and recoverable materials moves from the point of discard to recovery or disposal;

() "Yard waste" means vegetative matter resulting from landscaping, lawn maintenance, and land clearing operations other than mining, agricultural, and forestry operations.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in Section 4 by inserting the words "or radioactive waste" between the word "waste" and the punctuation ".".

AND FURTHER AMEND in the second sentence of the amendatory language in Section 5 by inserting the language "subject to the appropriation of funds in the general appropriations act for such purposes," between the language, "Therefore," and "the department".

AND FURTHER AMEND in the third sentence of the amendatory language in Section 5 by inserting the language "subject to the appropriation of funds in the general appropriations act for such purposes" between the language "Further," and "the department".

AND FURTHER AMEND in the amendatory language of Section 6 by deleting the language "part of the wastes collected from individual generators" and by substituting instead the language "function of solid waste collection".

AND FURTHER AMEND by adding the following new subsection (c) to Section 9:

(b) Tennessee Code Annotated, Title 68, Chapter 31, is amended by adding the following as a new subsection to be appropriately designated:

() To ensure that landfills and processing facilities receive only lawfully acceptable waste, the operator of each facility shall inspect waste received at the facility in accordance with a plan approved by the commissioner. Such plan shall provide for a level of inspection that is equivalent to that which is required for baled waste in Section 8 of this act.

AND FURTHER AMEND in Section 10 by:

(1) deleting the language "regional needs assessment" wherever it appears and by substituting instead the language "district needs assessment" in subsections (a), (b), and (c); and

(2) by deleting the word "regional" in subdivision (c)(7) and by substituting instead the word "district".

AND FURTHER AMEND in Section 11 by deleting the word "environmentalist" and by substituting instead the word "environmental".

AND FURTHER AMEND in Section 12 by deleting subsections (a), (b) and (c) and by substituting instead the following as new subsections (a), (b) and (c):

(a)

(1) After consideration of the needs assessment is completed, municipal solid waste regions shall be established by resolutions of the respective county legislative bodies by December 12, 1992. A municipal solid waste region shall consist of one county or two or more contiguous counties. If the region consists of more than one county, an agreement establishing the region shall be approved by the legislative body of each county that is a party to the agreement. The county clerk of each county shall provide a copy of the resolution establishing the region to the state planning office by December 31, 1992.

(2) The preferred organization of the regions shall be multi-county. Any county adopting a resolution establishing a single county region shall state the reasons for acting alone in the resolution.

(b) The resolution establishing a region for a county or approving an agreement to establish a region with other counties, shall provide for the establishment of a board to administer the activities of the region. This board shall consist of an odd number not less than five (5) nor more than fifteen (15). Each county that is a member of a region shall be represented by at least one (1) member on the board. Municipalities that provide solid waste collection services or provide solid waste disposal services, directly or by contract, shall be represented on the board. The members of the board shall be elected by the legislative or governing bodies of the counties and eligible municipalities within the region. The members of the board shall serve for terms of six (6) years or until their successors are elected and are qualified by taking an oath of office, except that the initial board shall have approximately one-third of the members with terms of two (2) years and approximately one-third of the members with terms of four (4) years, so as to stagger the terms of office.

(c) Each region shall develop a plan for a ten (10) year disposal capacity, and for achieving a twenty-five percent (25%) waste reduction goal in accordance with Section 25.

AND FURTHER AMEND in Section 12 by adding the following as a new subsection to be appropriately designated:

() The legislative body of any municipality which lies within the boundaries of two (2) or more regions shall select by resolution which region it shall participate in.

AND FURTHER AMEND in Section 12 by adding the following as a new subsection to be appropriately designated:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

() Within each municipal solid waste region the board of the region shall establish a regional municipal solid waste advisory committee whose composition shall be determined by the board.

AND FURTHER AMEND in Section 13 by adding the following as a new subsection to be appropriately designated:

() Before submitting the plan required by this act, each municipal solid waste region shall hold a public hearing on the plan.

AND FURTHER AMEND in Section 13 by deleting subsection (a) and by substituting instead the following as a new subsection (a):

(a)

(1) Each region shall submit its plan to the state planning office by December 31, 1993. The plan shall be formulated in strict compliance with Section 14. After receiving a plan, the state planning office shall approve or disapprove the plan within ninety (90) days. The planning office shall approve the plan if it adequately addresses each element required by Section 14. If a plan is disapproved, the state planning office shall state in detail the reasons for such disapproval. The region shall review any disapproved plan and shall resubmit a plan which corrects all deficiencies to the state planning office within thirty (30) days of receiving the letter of disapproval.

(2) The plan shall be revised to reflect subsequent developments in the region every five (5) years after 1993.

(3) The state planning office may require annual progress reports on the implementation of a plan from a region.

AND FURTHER AMEND in Section 13(b) by inserting the language "or incinerator" immediately after the words "disposal facility" wherever they appear in subsection (b).

AND FURTHER AMEND by deleting Section 13(b)(1) and by substituting instead the following as a new subdivision (b)(1):

(b)(1)(A) If the director of the state planning office approves the plan, the region or solid waste authority, by resolution and subsequent adoption of ordinances by counties and municipalities in the region, may also regulate the flow of collected municipal solid waste generated within the region. Prior to the adoption of any resolution declaring the necessity of requiring mandatory

flow of municipal solid waste, the region or authority, following one or more public hearings, shall demonstrate in writing to the director of the state planning office that it has considered the utilization of any municipal solid waste management facility in existence within the region of the effective date of this act which meets the proposed or final federal Resource Conservation and Recovery Act (RCRA) Subtitle D regulations. The region or authority must show that its decision not to use the existing facility is based on the fact that:

(i) Such facility is environmentally unsound or inadequate to meet the region's ten (10) year capacity assurance plan;

(ii) Costs for the use of such facility are inconsistent with comparable facilities within the State of Tennessee; or,

(iii) The existing facility is operating in a manner that is inconsistent with the plan; and,

(iv) The waste subject to flow control will be sent only to a facility or facilities that meet all state and federal regulations;

(B) The region or authority may restrict access to any landfills and incinerators which dispose of municipal solid waste by excluding waste originating with persons or entities outside the region in order to effectuate the plan. If a facility within a region has accepted waste from a specific source outside the region prior to July 1, 1991, the region may not prohibit that facility from continuing to accept waste from that source, unless the facility's acceptance of that waste significantly impairs the region's ability to effectuate its plan.

(C) Appeal of final actions of the region or authority, including any determinations under subdivision (b)(1), shall be taken by an aggrieved person within thirty (30) days to the chancery court of Davidson County.

(D) After the plan is approved, the region must approve any application for a permit for a solid waste disposal facility within the region as consistent with the region's disposal needs before any permit is issued by the commissioner pursuant to Tennessee Code Annotated, Title 68, Chapter 31.

AND FURTHER AMEND in Section 13(b)(2)(D) by deleting the language "(b)(2)(C)" and by substituting instead the language "(b)(2)(B)."

AND FURTHER AMEND in Section 13(b)(2)(D) by adding the following new language at the end of the item:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

The court shall exercise the same review as it would in a case arising under Tennessee Code Annotated, Title 4, Chapter 5. For the purposes of this section, an "aggrieved person" shall be limited to persons applying for permits, persons who own property or live within a three (3) mile radius of the facility or site that is proposed for permitting, or cities and counties in which the proposed facility is located."

AND FURTHER AMEND in Section 13(b)(5) by deleting the word "recyclables" and by substituting instead the words "recovered materials."

AND FURTHER AMEND in Section 14(b)(7) by inserting the words "public and private" between the words "current" and "recycling".

AND FURTHER AMEND in Section 16 by adding the following language as a new subsection (c):

(c) Any person who violates Sections 33(a), 36(a), or 37 of this act or who violates Tennessee Code Annotated, Section 68-31-608, shall be subject to the penalties provided for in Tennessee Code Annotated, Section 68-31-117.

AND FURTHER AMEND in Section 17(a) by deleting the subsection in its entirety and by substituting instead the following as a new subsection (a):

(a) From available funds in the solid waste management fund established by this act, the state planning office may award annual grants to the University of Tennessee County Technical Assistance Service, the University of Tennessee Municipal Technical Advisory Service, the development districts, and the department of economic and community development's division of local planning. Upon receiving such grant funds, these agencies shall render technical assistance to regions, counties, and municipalities as needed in the development of the plan required by this act.

AND FURTHER AMEND in Section 18 by adding the following language at the end of the section:

The director of the state planning office shall appoint members of the committee in consultation with statewide organizations representing the various interests on the committee.

AND FURTHER AMEND in Section 18 by:

(1) deleting the language "nine (9)" and substituting the language "ten (10)" in the first sentence of the section; and

(2) deleting the words "and recycling" from the

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

second sentence of the section; and

(3) inserting the language "one (1) member representing the recycling industry," after the word "industry" in the second sentence of the section; and

(4) deleting the word "environmentalist" and by substituting instead the word "environmental".

AND FURTHER AMEND in Section 19 by deleting the words "regional needs" wherever they appear in subsections (a) and (b) and by substituting instead "district needs".

AND FURTHER AMEND in Section 21(a) by deleting the subsection and by substituting instead the following as a new subsection (a):

(a) Effective January 1, 1995, each county shall assure that one or more municipal solid waste collection and disposal systems are available to meet the needs of the residents of the county. Such systems shall complement and supplement those provided by any municipality. The minimum level of service that the county shall assure is a system consisting of a network of convenience centers throughout the county. Unless a higher level of service, such as household garbage pickup, is available to the residents, a county shall provide, directly, by contract, or through a solid waste authority, convenience centers which shall meet minimum design standards to be developed by the department and established by regulation. The department in consultation with the state planning office shall also develop regulations to be promulgated by the board for determining the minimum requirements for and number of convenience centers or other forms of collection that a county shall maintain. Such regulations shall consider county population, area, distances to possible convenience center sites, and staffing requirements.

AND FURTHER AMEND in Section 21(c) by deleting the language ", but not maintaining," and by substituting instead the language "and maintaining".

AND FURTHER AMEND in Section 21(c) by deleting the words "shall train" and substitute instead "shall offer training" in the second sentence of the subsection.

AND FURTHER AMEND in Section 21(d) by inserting the language "one-half of the" in the fourth sentence of the existing subsection between the words "lower" and "economic scale".

AND FURTHER AMEND in Section 21(d) by inserting the following as a new sentence immediately after the second sentence of the subsection:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Such funds may also be applied to expenditures for developing and printing of operating manuals, but such funds may not be used for regular operating expenses of a recurring nature.

AND FURTHER AMEND in Section 21(d) by deleting the word "commissioner" in the third and fifth sentences of the subsection and by substituting instead the word "board".

AND FURTHER AMEND in Section 22 by deleting the section in its entirety and by substituting instead the following as a new Section 22:

SECTION 22. Transporters of municipal solid waste collected in Tennessee or transporters of municipal solid waste to be disposed of in Tennessee shall register with the department and shall register annually thereafter. The registration shall include information as to each county in which the transporter collects or unloads municipal solid waste, the amount and kinds of waste transported, the number of households or establishments served for waste collected in Tennessee, the destination of wastes transported, and any other information that the commissioner may deem relevant to solid waste planning and management as established by regulation promulgated by the board. The department may collect from the registering transporters a reasonable fee to be established by regulation. This fee shall be used by the department to offset the expenses of registration. The department shall develop data from the information gathered from the registrations relevant to each county, region, or solid waste authority. This relevant data shall be furnished annually by the region, solid waste authority, and development district.

AND FURTHER AMEND in Section 23(a) by inserting the language "or any subsequently designated date for Rule 1200-1-7-.04(1)(b)(3)(ii) to take effect" between the language "March 19, 1994," and "the board" in the first sentence of the subsection.

AND FURTHER AMEND in Section 23(a)(1) by:

(1) inserting the language ", attendants," between the words "operators" and "and other persons" in the first sentence of the subsection; and

(2) in (a)(4) by inserting the words "or attendant" between the words "operator" and "training"; and

(3) in (a)(5) by deleting the word "operators" and by substituting instead the word "attendants".

AND FURTHER AMEND in Section 24 by inserting the words "or recycling" between the words "collection" and "services".

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in Section 24 by inserting the language "municipality, or solid waste authority" immediately after the word county wherever it appears in the section.

AND FURTHER AMEND in Section 25 by:

(1) deleting subsection (a) and by substituting instead the following as new subsection (a);

(a) The goal of the state is to reduce by twenty-five percent (25%) the amount of solid waste disposed of at municipal solid waste disposal facilities and incinerators, measured on a per capita basis within Tennessee by weight, by December 31, 1995. The goal shall also apply to each municipal solid waste region; provided, however, the goal shall not apply to individual disposal facilities or incinerators. The base year from which reductions are to be measured is 1989, unless a region can demonstrate that 1989 data is clearly in error.

(2) deleting subsection (b) and by substituting instead the following as a new (b):

(b) If a region is unable to meet the twenty-five percent (25%) reduction goal, then such region may apply to the state planning office for a variance. If the director of the state planning office determines that the applicant region has made a good faith effort to meet the goal, as demonstrated by actions of the region's counties, municipalities, or solid waste authorities, to implement the region's plan, and that the applicant failed to meet the goal due to circumstances beyond the control of the region or of the county, counties, or municipalities which constitute the region, then the director shall grant the region a variance from the goal. The variance may grant an extension of no more than five (5) years in attaining the goal. This variance may be extended only if the director of the state planning office, determines that the region has taken all practicable steps to meet the goal. The region, if approved by the director of the state planning office, may also adjust the base figure upon which the goal is calculated when more accurate data is available. A region which includes a county which does not collect waste as of January 1, 1991, shall obtain a variance from the waste reduction goals until a collection system and base year data have been established.

(3) Adding the following new language between the third and fourth sentences of subsection (d): "Measurements of waste disposed of shall not include materials that are recovered or collected for recycling".

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(4) deleting subsection (e) and by substituting instead the following as a new subsection (e):

(e) In the absence of a variance, failure to meet the twenty-five percent (25%) waste reduction goal may subject the offending counties and municipalities, including any solid waste authority created by such counties and municipalities, to sanctions in the same manner as a region may receive sanctions pursuant to Section 16. In the event the failure of a region to meet its waste reduction goals is due to the failure of less than all of the constituent counties or municipalities of the region, the commissioner may apply sanctions only to the counties, municipalities, or solid waste authorities that have caused the failure.

AND FURTHER AMEND in Section 25(f) by deleting the third sentence of the subsection.

AND FURTHER AMEND in Section 26 by:

(1) adding the language "or incinerator" immediately after the language "disposal facility" wherever it occurs in subsections (a) and (b);

(2) inserting the language ", municipalities, and solid waste authorities" between the words "counties" and "with" in subsection (c); and

(3) inserting the language "or incinerators" between the words "facilities" and "shall" in the first sentence of subsection (d).

AND FURTHER AMEND in Section 26(a) by deleting the language "on and after March 18, 1994," and by substituting instead the language "on or before March 18, 1994, or any subsequently designated date for Rule 1200-1-7-.04(1)(b)(3)(ii) to take effect" in the second sentence of the subsection.

AND FURTHER AMEND in Section 27 by deleting the section in its entirety and by substituting instead the following as a new Section 27:

SECTION 27.

(a) Effective January 1, 1996, each county shall provide, directly, by contract, or through a solid waste authority, one (1) or more sites for collection of recyclable materials within the county unless an adequate site for collection of recyclable materials is not otherwise available to the residents of the county.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(b) Each person or entity operating a collection site for recyclable materials shall annually report the quantities of recyclable materials collected, by type of material, to the region, which shall then report the amount and type of recycled materials collected in the region annually to the state planning office.

AND FURTHER AMEND in Section 28 by inserting the language ", municipality, authority, or region" between the words "county" AND "which".

AND FURTHER AMEND in Section 28 by deleting the words "state planning office" and by substituting instead the words "institute for public service of the University of Tennessee."

AND FURTHER AMEND in Section 30(b)(2) by inserting the language "and private, for profit" between the words "public" and "and".

AND FURTHER AMEND in Section 31 by deleting the words "the fund" and by substituting instead the words "funds available in the solid waste management fund established by this act".

AND FURTHER AMEND in Section 31 by adding the following new language at the end of the section:

Such council shall include representatives from the for-profit recycling business sector, non-profit recycling sector, non-profit or volunteer environmental organizations, and the manufacturing sector.

AND FURTHER AMEND in Section 32 by:

(1) In item (1) deleting the language "statewide scope" and by substituting instead the language "the maximum extent practicable";

(2) in item (2) by deleting the item in its entirety and by substituting instead the following:

(2) "Expand such program to the maximum extent practicable to include other kinds of recyclable materials, including, but not limited to, newsprint, plastic bottles, mixed paper, and steel cans;

(3) in item (3) by inserting the language "to the maximum extent practicable" between the words "institutions" and "to collect"; and

(4) in item (9) by deleting the word "Negotiate" and by substituting instead the word "Effect".

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in Section 32(5) by deleting the item and by substituting instead the following as a new item (5):

(5) Recycle surplus state property to the maximum extent practicable, under the program authorized by this act and under Tennessee Code Annotated, Section 12-2-404, which cannot be sold for reuse, notwithstanding the existence of any other provision of law, rules or regulations to the contrary;

AND FURTHER AMEND in Section 33 by deleting the section in its entirety and by substituting instead the following as a new Section 33:

SECTION 33.

(a) Effective January 1, 1995, no municipal solid waste disposal facility or incinerator shall accept for disposal any whole waste tires, lead-acid batteries, or used oil when an operator or attendant either knew or should have known of the presence of such prohibited materials; provided, however, subject to other applicable law and regulations whole waste tires may be incinerated.

(b) By January 1, 1995, each county shall provide, directly, by contract, or through a solid waste authority, at least one (1) site to receive and store waste tires, used automotive oils and fluids, and lead-acid batteries, if adequate sites are not otherwise available in the county for the use of the residents of the county. A single site need not receive all of the items for which collection is required by this section, but all items listed above shall have at least one (1) site for reception and storage in the county. The operator of any such sites provided by a county shall sell and/or cause the transfer of the recyclable materials stored at these sites to a commercial recycler or a regional receiving facility for such wastes as often as is practicable.

AND FURTHER AMEND in Section 34 by deleting the section in its entirety and by substituting instead the following as a new Section 34:

SECTION 34. From funds available from the solid waste management fund, the department shall establish a pilot project for the collection of household hazardous waste at a permanent site in a county with a population in excess of one hundred thousand (100,000) according to the 1990 federal census or any subsequent federal census.

AND FURTHER AMEND in Section 35 by deleting the section in its entirety and by substituting instead the following as a new Section 35:

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

SECTION 35. From funds available from the solid waste management fund, the department shall provide, directly or by contract, mobile collection units to provide collection of household hazardous wastes on designated days in each county. Each county or solid waste authority, if created, shall provide a service site and shall advertise in newspapers of general circulation in the county the day(s) and hours and location where the household hazardous wastes will be collected by the mobile unit. The advertisements shall also identify examples of household hazardous wastes that the mobile unit will receive. The county or solid waste authority shall also furnish at least one (1) person to represent the county or solid waste authority at the service site on the days of collection and who will assist the persons operating the mobile collection unit.

AND FURTHER AMEND in Section 36(b) by deleting the word "commissioner" and by substituting instead the word "board".

AND FURTHER AMEND in Section 36(c) by deleting the language "two (2)" and by substituting instead the language "six (6)".

AND FURTHER AMEND in the amendatory language to Section 47 by inserting the language "From available funds in the solid waste management fund," immediately before the language "The institute".

AND FURTHER AMEND by designating the existing amendatory language of Section 47 as subsection (a) of the new section and by adding the following in the amendatory language as a new subsection (b):

(b) The center for industrial services of the institute for public service shall perform waste audits for private businesses pursuant to guidelines developed by the state planning office.

AND FURTHER AMEND in Section 48 by inserting the language "From available funds in the solid waste management fund," immediately before the language "The University".

AND FURTHER AMEND in Section 49(a)(6) by deleting the word "commissioner" and by substituting instead the word "board".

AND FURTHER AMEND in Section 49 by inserting the word "Public" immediately before the word "costs" in subdivision (a)(5) and by adding the following language as new subsections (c) and (d):

(c) The region may require each person actively and regularly engaged in the collection, transportation, and disposal of municipal solid waste, or the recovery or recycling of materials, in the county or counties constituting the region to provide any information

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

necessary for the region to comply with the reporting requirements of this section.

(d) The region may bring an action for mandatory injunction in the chancery court against any person failing to properly report in accordance with the provisions of this section in order to compel compliance. The region shall be entitled to recover all costs and attorney's fees from any person failing to comply with the reporting requirements of this section.

AND FURTHER AMEND in Section 49(a) and (b) by deleting the word "county" and by substituting instead the word "region" wherever it appears.

AND FURTHER AMEND in Section 53 by deleting the section in its entirety and by substituting instead the following as a new Section 53:

Section 53. There is hereby established a general fund reserve to be allocated by the general appropriations act which shall be known as the solid waste management fund. Moneys from the fund may be expended to fund activities authorized by this act. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this act and shall not revert to the general fund on any June 30th. Any excess revenues on interest earned by such revenues shall not revert on any June 30th, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30th, but shall remain available for expenditure in subsequent fiscal years.

AND FURTHER AMEND in Section 56(1) by deleting the word "corporation" and by substituting instead the word "instrumentality".

AND FURTHER AMEND in Section 56(7) by deleting the language "from solid waste" and by substituting instead the language "from the solid waste stream".

AND FURTHER AMEND in Section 56(a)(9) by deleting the item and by substituting instead the following:

(9) "Solid waste" means solid waste as defined in Tennessee Code Annotated, Section 68-31-103(7);

AND FURTHER AMEND by deleting Sections 57 and 58 in their entirety and by substituting instead the following as new Sections 57 and 58:

SECTION 57. A county or any of the counties in a municipal solid waste region may create a solid waste authority, by resolution of the respective county governing

bodies; provided, however, opportunity shall be provided for public comment on such resolution. Any municipality, the majority of the territory of which lies within a county that is creating or participating with other counties in creating an authority, may join in creating the authority upon such terms as may be agreed upon and adopted by resolution of the respective county and municipal governing bodies. No authority may be formed unless each county governing body in the region has approved the resolution. If more than one county or municipality participates in creating an authority, an agreement creating the authority shall be approved by the governing body of each county and municipality that is a party to the agreement as part of the resolution creating the authority. The resolutions creating the authority may be amended by the agreement of all of the participating governments to add or subtract participating governments or to dissolve the authority. The creating resolutions shall give the authority a name which shall identify it with the county or region. This name shall be used by the authority unless the name is amended by resolution approved by all participating counties and municipalities. Any resolutions creating, amending, or dissolving an authority shall be certified by the county clerk or municipal clerk or recorder of the counties and municipalities participating in creating the authority and sent to the secretary of state.

SECTION 58.

(a) A resolution creating or amending the resolution creating an authority for a county or approving an agreement to create an authority with other counties or municipalities, shall provide for the establishment of a board of directors to administer the activities of the authority. The authority's board of directors may be the same board as that of the municipal solid waste region or it may be a separate board. If a board separate from that of the region is chosen, the board of directors shall consist of an odd number not less than five (5) nor more than fifteen (15). Each county and municipality that is a member of an authority shall be represented by at least one (1) member on the board. The members of the board shall be elected by the governing bodies of the counties and eligible municipalities within the region. The members of the board shall serve for terms of six (6) years or until their successors are elected and are qualified by taking an oath of office, except that the initial board shall have approximately one-third of the members with terms of two (2) years and approximately one-third of the members with terms of four (4) years, so as to stagger the terms of office.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(b) Members of county and municipal governing bodies, county executives, municipal mayors, county and municipal officers and department heads may serve as directors, but the board of directors is not required to include such members.

(c) Directors may receive compensation if provided for by the resolution approved by all of the county and municipal governing bodies participating in the authority. The resolution establishing the compensation may differentiate between municipal and county officials and department heads so as to compensate only those directors who are not an official or employee of a municipal or county government, except for reimbursement for actual expenses.

AND FURTHER AMEND by deleting existing Sections 59, 60, and 61(a) in their entireties and by redesignating existing Section 61(b) and (c) as Section 59(a) and (b) and by redesignating subsequent sections accordingly.

AND FURTHER AMEND existing Section 62 by:

(1) deleting the first sentence of subsection (a) and by substituting instead the following:

Each solid waste authority created pursuant to this part shall be a public instrumentality of the county and municipal government(s) participating in its creation or participating by agreement after its creation.

(2) by deleting item (a)(1) and substituting instead the following:

To have succession by the name given in the resolution(s) creating the authority unless dissolved as provided in this part.

(3) by deleting item (a)(14) and substituting instead the following:

To exercise all powers expressly given in this part and in the creating or amending resolutions and to establish bylaws and make all rules and regulations not inconsistent with the creating and amending resolutions or the provisions of this chapter, deemed expedient for the management of the affairs of the authority.

(4) in item (a)(17) by inserting the language "or municipalities" immediately after the word "counties" wherever it is found.

(5) by adding the following as new subsections (b) and (c):

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

(b) Except as otherwise provided in this part, an authority, with the concurrence of the county governing body in any county for the territory outside of municipal boundaries, and the governing body of any municipality for the territory of the municipality, may exercise exclusive jurisdiction and exclusive right to control the collection of solid waste within its boundaries and to control the disposition of solid waste collected within its boundaries;

(c) The power granted to an authority by this section shall not prevent a manufacturing firm which holds a permit from the State of Tennessee on the effective date of this act to dispose of or utilize its own solid wastes on the property of the manufacturing firm.

AND FURTHER AMEND in existing Section 64 by deleting the last sentence of the section.

AND FURTHER AMEND in existing Section 65 by inserting the words "or municipality" between the words "county" and "with".

AND FURTHER AMEND in existing Section 67 by deleting subsections (b) and (c) and by substituting instead the following as a new subsection (b):

(b) Any county or municipality that participates in the creation or organization of an authority may guarantee or otherwise secure the payment of bond, note, or similar obligations of the authority by resolution of the county governing body or by municipal ordinance. Any county or municipality seeking to guarantee or secure the payment of a bond obligation of an authority may pledge any discretionary revenues and/or may pledge the full taxing powers of the county or municipality. Prior to any meeting of a county or municipal governing body considering action to guarantee or secure the payment of any bond, note, or similar obligation of an authority, reasonable public notice shall be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability that may be authorized. Any resolution or ordinance of a county or municipality approving of a guarantee or otherwise providing security for the payment of an authority's bonds, notes, or similar obligations shall specify the officer or officers of the county or municipality authorized to execute documents necessary to implement the governing body's action.

AND FURTHER AMEND by deleting existing Sections 68 and 69 and by substituting instead the following:

SECTION 68. No county or municipality shall be liable for the payment of the principal or interest on any bonds, notes, or other instruments evidencing indebtedness of the

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

authority except as provided in this part. Neither shall any county or municipality be liable for the performance of any pledge, mortgage, obligation, or agreement of any kind whatsoever which may be undertaken by the authority except as provided in this part.

SECTION 69. No part of the revenues or income of the authority shall inure to the benefit of any director or employee of the authority except as expressly authorized by this part.

AND FURTHER AMEND in existing Section 70(a) by deleting the first sentence of the subsection and by substituting instead the following:

The authority is hereby declared to be performing a public function in behalf of each county or municipality with respect to which it is organized and to be a public instrumentality of such county, counties, municipality or municipalities.

AND FURTHER AMEND in existing Section 74(a) by deleting the word "counties" and by substituting instead the word "municipality."

AND FURTHER AMEND in existing Section 74(b) by deleting the subsection and by substituting instead the following as a new subsection (b):

(b) The governing body of each county or municipality participating in the organization of the authority may appropriate general funds or unappropriated monies from any other fund, to pay expenses of the authority or provide for the operation of any of the projects, facilities, and systems authorized by this act, and each such governing body may levy a tax, in addition to all other taxes, upon all taxable property within the respective county or municipality, sufficient to pay such appropriation to the authority. Any such tax on property shall be collected in the same manner as other property taxes of the county or municipality is collected and similarly, all laws for the enforcement of county and municipal tax liens shall apply.

AND FURTHER AMEND in existing Section 74 by deleting subsections (c), (d), (e) and (f), and by redesignating subsequent subsections accordingly.

AND FURTHER AMEND in existing Section 75 by deleting the word "counties" and by substituting instead the word "municipality".

AND FURTHER AMEND in existing Section 78 by deleting the second and third sentences of the section.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in existing Section 80 by deleting the section in its entirety and by substituting instead the following as a new Section 80:

SECTION 80. Any resolution of dissolution of the authority shall be approved by all county and municipal governing bodies participating in the organization of the authority. A resolution to dissolve the authority shall contain adequate provisions to divide the assets and liabilities of the authority among the participating county and municipal governments in an equitable manner if the authority has assets in excess of liabilities. In the event that the authority has liabilities in excess of assets, the authority may be dissolved only after it has ceased to substantially perform the functions for which it was created due to insolvency. In such cases of insolvency of the authority, the assets of the authority shall be allocated among the creditors of the authority in an equitable manner by agreement of the creditors with the board of directors of the authority, or if such agreement cannot be reached within ninety (90) days of the passage of the resolution to dissolve the authority and approval of such a resolution by all participating county and municipal governing bodies, then the board of directors shall petition the chancery court for an equitable allocation of assets. The chancery court shall hear the cause and shall enter a decree for the allocation of the assets of the authority. After the final disposition of the assets of the authority, the board of directors and the authority shall cease to exist.

AND FURTHER AMEND in Section 86 by deleting the language "commissioner of conservation" and by substituting instead the word "board".

AND FURTHER AMEND by deleting existing Section 87 and by substituting instead the following as a new Section 87:

SECTION 87. Sections 5, 6, 7, 8 and 9 of this act shall take effect on October 1, 1991, and all other provisions of this act shall take effect on July 1, 1991, unless otherwise provided in this act, the public welfare requiring it.

AND FURTHER AMEND by deleting the words "department of conservation" wherever they appear in this act and by substituting instead the words "department of environment and conservation".

Senate Amendment No. 3 to Amendment No. 7

AMEND House Bill No. 1252 by deleting all language of the amendment and substituting instead the following new language: by deleting from the subsection (b) of the amendatory language

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

in Section 12 as amended by House Amendment No. 1 the following sentence:

"The members of the board shall be elected by the legislative or governing bodies of the counties and eligible municipalities within the region."

and substituting instead the following sentence:

The members of the board shall be appointed by the county executives and municipal mayors, respectively, of the counties and eligible municipalities within the region, whose appointments must be approved by the legislative or governing bodies of the respective counties and eligible municipalities within the region.

AND FURTHER AMEND by designating the existing language of subsection (b) of Section 12 as amended by House Amendment No. 1 as subdivision (1) and by adding the following new subdivision (2) as follows:

(2) Any county that has a solid waste authority in existence upon the effective date of this act may designate such authority as the board to administer the activities of the region if such county chooses to a region unto itself. The legislative body of the county and of each municipality that provides solid waste collection services or solid waste disposal services in the region shall approve such designation by the passage of an appropriate resolution.

AND FURTHER AMEND by deleting from subsection (a) of the amendatory language in Section 58 as amended by House Amendment No. 1 the following sentence:

"The members of the board shall be elected by the governing bodies of the counties and eligible municipalities within the region."

and substituting instead the following sentence:

The members of the board shall be appointed by the county executives and municipal mayors of the participating counties and municipalities, respectively, whose appointments must be approved by the respective county or municipal governing bodies.

AND FURTHER AMEND by adding the following to the amendatory language designated as "Section 67-4-__05" in House Amendment No. 3 (House Finance Ways and Means Committee Amendment Number 1):

Any person who has previously purchased a tire shredder and who wishes to obtain a credit for such purchase shall furnish proof of the purchase and the price of the shredder to the commissioner of revenue at the time

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

of registration pursuant to this section.

AND FURTHER AMEND by adding the following to the amendatory language designated as "Section 67-4-__06(b)" in House Amendment No. 3 (House Finance Ways and Means Committee Amendment Number 1):

Any dealer who has previously purchased a tire shredder and has furnished proof of such to the commissioner of revenue shall be entitled to retain an amount equal to fifty percent (50%) of the pre-disposal fee imposed by this part as a fee credit. The amount of the credit allowed shall be equal to fifty percent (50%) of the purchase price of the tire shredder. Once credits have been taken by a dealer for the full amount allowed, no additional credit shall be taken pursuant to this section.

AND FURTHER AMEND by adding the following sentence after the first sentence in subsection (f) of the amendatory language in the first unnumbered section added by House Amendment No. 3 (House Finance Ways and Means Committee Amendment Number 1):

The surcharge authorized to be imposed by a county by subdivision (1) shall not take effect until a regional solid waste plan is approved for such county.

AND FURTHER AMEND by adding the following new language at the end of the amendatory language of original Section 37:

"For the purposes of this subsection "retailer" shall not include a person who sells articles of personal property of which a lead acid battery is a component part."

AND FURTHER AMEND by deleting the following language from House Amendment No. 3 (House Finance Ways and Means Committee Amendment No. 1):

"Section 67-4-__09. A motor vehicle leasing company purchasing for resale in the form of lease new tires or motor vehicles of which new tires are a part must remit the fee on the tires when the tires or vehicles are first put to use in this state."

and by substituting instead the following:

"Section 67-4-__09. A motor vehicle leasing company when purchasing new tires for resale in the form of a lease must remit the fee on the tires when the tires are first put to use in this state."

AND FURTHER AMEND in the first sentence in subsection (f) of the first unnumbered section of House Amendment No. 3 (House Finance Ways and Means Committee Amendment No. 1), which is Section 54 as amended, by inserting the words "collection or" between the language "expenditure for solid waste" and "disposal purposes".

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

AND FURTHER AMEND in the first unnumbered section of House Amendment No. 3 (House Finance Ways and Means Committee Amendment No. 1), which is Section 54 as amended, by inserting the words "collection and" between the language "maintain solid waste" and "disposal services" in the second sentence of subdivision (g)(1).

Senate Amendment No. 10

Amend House Bill No. 1252 by deleting the existing subdivision (C) of Section 13(b)(1) in its entirety and by substituting instead the following:

(C) Appeal of final actions of the region or authority, including any determinations under subdivision (b)(1), shall be taken by an aggrieved person within thirty (30) days to any chancery court in the region or authority which took such final action.

Senate Amendment No. 37

Amend House Bill No. 1252 by deleting in its entirety the following language added to Section 12 as a new subsection by House Amendment No. 4:

() Any municipality with a population of five hundred thousand (500,000) or more according to the 1980 federal census, or any subsequent federal census, may elect by ordinance to form a solid waste management region. As a region such municipality shall exercise sole responsibility for developing and preparing the plan required by this act applicable to the jurisdiction of the municipality. The plan developed by the municipality, to the extent practicable, shall be reasonably consistent with the plan developed by the region for the county in which it lies. The state planning office, as a part of the plan approval process, shall determine whether the municipality's plan is reasonably consistent with the plan for the region for the county in which the municipality lies so as to effectuate the purposes of this act.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 2, 3, 6, 7 as amended, 10 and 37 to **House Bill No. 1252**, which motion prevailed by the following vote:

Ayes.	97
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Severance -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to House Rule No. 31, I wish to express a desire to change my original stand from aye to no on concurring in the amendments to House Bill No. 1252 and have this statement entered in the Journal.

Rep. Ray Hill

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1292 -- Divorce and Annulment -- Clarifies emphasis to be given to elements of contribution to determine distribution of marital property. Amends TCA 36-4-121.

Senate Amendment No. 1

Amend House Bill No. 1292 by deleting the language which reads as follows:

with each of these factors to be given the same weight.

and by substituting instead the following:

With the contribution of a party as homemaker or wage earner to be given the same weight if each party has fulfilled his or her role.

Rep. Williams (Shelby) moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1292**, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1594 -- Warren County -- Levies hotel/motel tax.

Rep. Hillis moved to reset House Bill No. 1594 to the Message Calendar for Thursday, May 23, 1991, which motion prevailed.

UNFINISHED BUSINESS

COMMUNICATIONS

May 15, 1991

Mr. Larry Cole
Chief Clerk of the House
State Capitol
Nashville, TN 37243

RE: Recall of House Bill No. 1148 from Committee

Dear Larry:

In accordance to House Rule 53, I am requesting that House Bill No. 1148 (SB 651) be called from the State and Local Government Committee be to considered by the House of Representatives.

Sincerely yours,
/s/Randy H. Stamps

ANNOUNCEMENTS

RULES SUSPENDED

Rep. Bragg moved to suspend **Rule No. 81 (1)**, so that all bills coming out of the Revenue and Expenditure subcommittee of Finance,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Ways and Means Committee today could be placed on a supplemental Finance, Ways and Means Calendar, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 996: Rep(s). Hargrove as prime sponsor(s).

House Bill No. 1114: Rep(s). Dixon as prime sponsor(s).

House Bill No. 1442: Rep(s). Chumney as prime sponsor(s).

House Bill No. 1617: Rep(s). Davis (Gibson) as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Crain was removed as sponsor of **House Bill No. 1617**.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred as noted:

***Senate Joint Resolution No. 0227** -- Memorials, Congress -- Urges constitutional mandate for balanced federal budget.

Referred by the Speaker to the Finance, Ways and Means Committee.

Senate Joint Resolution No. 0259 -- Naming and Designating -- Official Flag Day Poem.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0275 -- Naming and Designating -- World Wildlife Exposition Week, May 12-19, 1991.

Referred by the Speaker to the Calendar and Rules Committee.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 78**, having been prefiled for introduction, House Bill(s) No(s). 1621, 1627 and 1631, was/were referred to the Delayed Bills Committee.

House Bill No. 1621 -- Moore County -- Authorizes sale of certain alcoholic beverages. by *Rigsby.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

House Bill No. 1627 -- Utilities, Utility Districts -- Increases emergency telephone service charges for Gibson County. Amends TCA 7-86-108. by *Davis Ray.

***House Bill No. 1631** -- Advertising -- Prohibits outdoor advertising on Vietnam Veterans' Boulevard in Sumner County. Amends TCA 54-21-118. by *Stamps, *Wix.

MEMORANDUM

TO: Larry Cole, Chief Clerk
House of Representatives

FROM: James A. Clodfelter, Director

SUBJECT: House Bill 1621

In response to your inquiry as to the nature of House Bill 1621 notwithstanding the language of the caption, it is the opinion of this office that it is a general bill relative to the sale of alcoholic beverages which is governed by the general law. The provisions of this law are codified in Tennessee Code Annotated, Title 57.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1625 -- Brownsville -- Makes Chapter 76, Private Acts of 1991, complete Charter. Repeals Chapter 273, Private Acts of 1970, as amended. by *Crain.

Passed first consideration.

House Bill No. 1629 -- Paris -- Levies temporary 15 cent property tax in Paris Special School District. by *Ridgeway.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0753** -- Home Improvement Contractors -- Expands application of Home Improvement Law. Amends TCA, Title 62, Ch. 37. (HB 0819).

Held pending third consideration of companion House Bill.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

***Senate Bill No. 1012** -- Contractors -- Revises requirements for licensure as general contractor. Amends TCA, Title 62, Ch. 6. (HB 0834).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1619 -- Greenbrier -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1620 -- Humboldt -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1622 -- Montgomery County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1623 -- Dyersburg -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1624 -- Benton -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1626 -- Milan -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 1628 -- Rutherford County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

May 20, 1991

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1615, 1617, 1620, 1622, 1624 and 1626.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

May 20, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Thursday, May 23, 1991:** House Bill(s)

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

No(s). 1615, 1617, 1620, 1622, 1624 and 1626.

PHILLIPS, Chair.

MESSAGE FROM THE SENATE

May 20, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 63, 155, 237, 332, 1227, 1236, 1264, 1434, 1605 and 1607; also, House Joint Resolution(s) No(s). 186, 256, 280, 305, 306, 319, 320, 321, 322, 323, 324, 325 and 328; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

May 20, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 221, 248, 454, 711, 737, 834, 988, 1449 and 1481; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 20, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 63, 155, 237, 332, 1227, 1236, 1264, 1434, 1605 and 1607; also, House Joint Resolution(s) No(s). 186, 256, 280, 305, 306, 319, 320, 321, 322, 323, 324, 325 and 328; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

May 20, 1991

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 221, 248, 454, 711, 737, 834, 988, 1449 and 1481.

ENGROSSED BILLS

May 20, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1135 and 1608; also, House Joint Resolution(s) No(s). 122, 177, 355, 356, 357, 358,

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 373, 374, 375 and 376; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
May 20, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 325; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
May 20, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 325.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 20, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 122, 532, 587, 699 and 1249; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 20, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 51, 190, 274, 326, 329, 330, 331, 332, 333, 335, 340, 341, 342, 369 and 370; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 20, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

Bill(s) No(s). 685; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
May 20, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 325; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**SIGNED
May 20, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 685.

**MESSAGE FROM THE SENATE
May 20, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 42 and 669; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0042 -- Financial Disclosure --** Requires certain candidates and officials to disclose certain information to the registry of election finance. Amends TCA, Title 8, Ch. 50, Pt. 5. by *Greer, *Cohen, Jordan, McNally.

***Senate Bill No. 0669 -- Public Records --** Establishes procedures for recordation and records management of leases by secretary of state and commissioner of finance and administration. Amends TCA, Title 4, Ch. 15; Title 10, Ch. 7; Title 12, Ch. 2, 29-20-109; Title 62, Chs. 2, 6; Title 68, Ch. 18. by *Wilder.

**ENGROSSED BILLS
May 20, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 377, 378, 379, 380, 381, 382, 383 and 384; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MONDAY, MAY 20, 1991 -- FORTY-EIGHTH LEGISLATIVE DAY

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday May 23, 1991.